

## **CABINET**

**21 NOVEMBER 2017**

### **SPECIAL EDUCATIONAL NEEDS TRANSPORT BUDGET, PROPOSED HOME TO SCHOOL TRANSPORT POLICY CHANGES AND ASSOCIATED CONSULTATION**

Portfolio Holder:	Councillor Andrew Mackness, Children's Services (Lead Member)
Report from:	Ian Sutherland, Director of Children and Adults Services
Author:	Graham Tanner, Partnership Commissioning Programme Lead (Children's 0-25 Targeted Services)

#### **Summary**

This report provides a briefing on the statutory duty of the local authority to provide suitable travel arrangements for children and young people who have a special educational need or disability under section 508B of the Education Act 1996 as well as a budget position statement as to the current and future spend on Special Educational Needs (SEN) transport within the Council.

The report also includes a proposal to consult on changes to Medway's SEN Home to School Transport Policy to increase the flexibility of options, support potential cashable savings and cost avoidance and ensure spend remains within the budget envelope.

#### **1. Budget and Policy Framework**

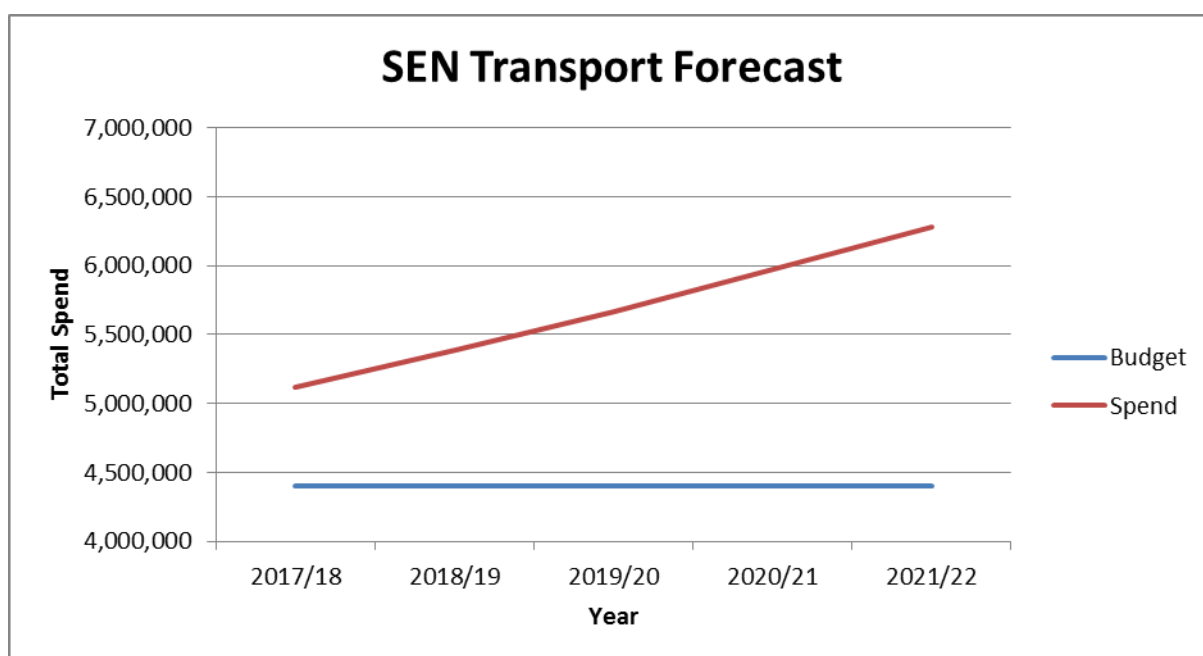
- 1.1 Local authorities have a statutory duty to ensure that, for eligible children and young people with special educational needs, suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. The legislation governing this duty is section 508B of the Education Act 1996.
- 1.2 Medway's Home to School Transport Policy (April 2017) defines the Council's policy and processes for meeting these statutory duties.
- 1.3 The SEN transport Budget for 2017/18 is £4,402,621.

#### **2. Background**

- 2.1 Meeting its statutory duty is putting increasing pressure on the Council budget as the number of eligible children requiring travel assistance, the complexity of their needs and the cost of providing travel assistance increases.

- 2.2 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.
- 2.3 Similarly, the Council is committed through its Special Educational Needs and Disability (SEND) and Inclusion Strategy 2016–2020, to ensure that children and young people with SEN are ‘provided with opportunities to develop resilience and learn to be as independent as possible, as they transition to adulthood’. The Council, therefore, needs 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.
- 2.4 The graph below (Figure 1) predicts the projected forecast against the current budget over the next four years assuming the Council’s current policy stays the same and the known demographic changes.

**Figure 1 – SEN Transport Budget Forecast 2017/18 to 2021/22**



- 2.5 The options, therefore, are that the Council continues to provide SEN travel assistance using existing allocation criteria and processes resulting in increasing budget pressure year on year, or, through a consultative process and dialogue with parents/carers and transport operators, steps are taken to transform the Council’s approach to providing travel assistance.

### 3. Advice and analysis

- 3.1 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.
- 3.2 The main findings of the ADCS survey have resonance in Medway and were:-
- Local Authorities (LAs) are transporting an **increasing number of children with SEND** (partly because of the SEND reforms and the

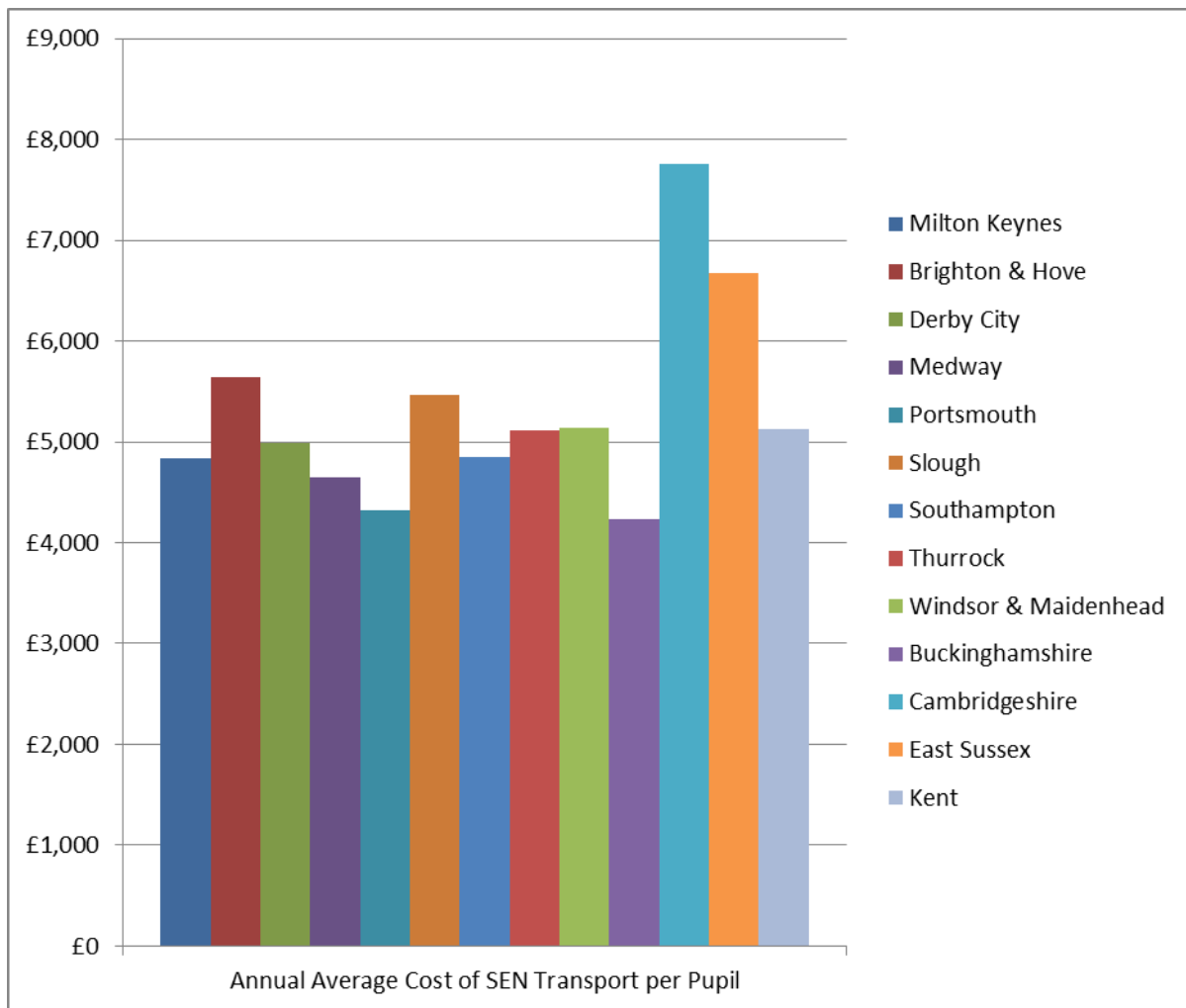
extension of support to young people aged up to 25), many of whom have highly complex needs (health and behaviour) so require individual transport, escorts and specialist vehicles.

- 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.
- The **geographical nature** of some LAs means that a significant number of children live outside of the 'statutory' walking distance. This is coupled with a lack of public transport so LAs must provide other, more costly forms of transport.
- 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.
- 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.

3.3 However, Medway Council's current position is limited by its current purchasing arrangements for SEN transport that make short-term flexibility savings hard to identify or realise. The existing 4 year Framework Contract expires on 31 March 2019, together with some previous contractual arrangements with transport providers which had been negotiated over an eight year term.

3.4 A benchmarking exercise undertaken shows that Medway's cost per pupil is low in comparison to other unitary authorities (Figure 2 below). However, the complexity of need contributes towards the level of spend. This has led to a heavy reliance on ad hoc solo taxi arrangements. This is an expensive option of providing travel assistance. It is therefore important that taxis are used as the last resort and all SEN transport arrangements are managed within the Framework and reviewed at a panel. The options for SEN transport also need to be expanded to include personal travel budgets, travel training, and pick up points.

**Figure 2 – Benchmarking - Cost per Pupil**



- Average cost across other Local Authorities is £5293
- Highest average cost per pupil = Cambridgeshire at £7759
- Lowest average cost per pupil = Buckinghamshire at £4231
- Medway average cost per pupil = £4651

3.5 Though Medway Council is among the lowest spending authorities per pupil, officers will undertake further work to learn about the policies and processes of the best performing authorities e.g. Buckinghamshire.

3.6 Table 1, below, shows the trend in expenditure against the budget for the last five years. The SEN Transport Budget has been consistently overspent. In 2016/17, the SEN Transport budget was over-spent by £1.2m. In order to reduce the Council budget deficit for 2017/18, a budget increase of £385,000 was agreed. The 2017/18 round 1 monitoring therefore shows an overspend of approximately £831,000.

**Table 1 – Medway SEN Transport Expenditure 2012/13 to 2017/18**

Year	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18 Forecast
<b>Number of Pupils Transported</b>	1068	1056	1063	1118	1103	1123
<b>Budget</b>	£4,027,855	£3,360,238	£4,382,985	£3,787,659	£4,095,159	£4,402,621
<b>Actual Spend</b>	£4,073,024	£4,587,936	£4,855,837	£5,050,105	£5,306,812	£5,233,920
<b>Budget Pressure</b>	-£45,169	-£1,227,698	-£472,852	-£1,262,446	-£1,211,653	-£831,299
<b>Average Spend per Pupil</b>	£3,814	£4,345	£4,568	£4,517	£4,811	£4,651

3.7 The following management actions have already been taken to address the budget pressure:

- Ceasing eligibility of SEN travel assistance for children with SEND below non-statutory school-age, from September 2017 as agreed by Cabinet:
  - All SEN nursery children;
  - All SEN reception children below 5 years of age, until they reach statutory school age (which is the term following their 5<sup>th</sup> birthday); and
  - Offering bus passes to all eligible pupils with SEND.
- A new combined (mainstream & SEN) Home to School Travel Policy was agreed by Cabinet and effective for all school applications from 1 September 2017.
- The responsibility for SEN Transport Budget moved to Partnership Commissioning from August 2017.
- A panel has been established to provide consistency, scrutiny and rigour to eligibility, allocation and provision of SEN transport. The panel will aim to:
  - Strengthen the way eligibility for new transport support is assessed, which will enable Medway Council to defend challenges in relation to SEN transport;
  - Ensure, at least annually, that the transport needs of children are reviewed;
  - Allow panel members to develop a resource envelope that includes commissioned resources such as the framework for SEN transport but also enables the development of new forms of transport support for young people with special educational needs and disabilities in consultation with parents and carers;
  - Strengthen the use of Independent Travel Training for young people for whom this is appropriate and in consultation with parents; and

- Increase the use of Personal Travel Assistance Budgets where these represent best value and are wanted by parents / carer.
- A Special Educational Needs Travel Assistance Programme Group has been established to drive forward innovative and value for money ways of meeting the Council's statutory duties. This group will develop a business case detailing projects that could introduce new ways of providing travel assistance. Officers will be exploring alternative models of delivery and whether the framework contract needs to be retendered before 2019.

## 4. Consultation

4.1 The following additional changes and clarifications to Medway's Home to School Transport Policy (April 2017) are proposed for consultation in order to provide more flexible options for parents/carers of children with SEN, together with additional rigour and cost control through the application and travel assistance allocation process.

4.2 The following changes to the Medway Home to School Transport Policy are proposed:

### 4.2.1 Definition of Education Travel Assistance

It is proposed that the name of the **Home to School Transport Policy** be amended to **Education Travel Assistance Policy**. The name change reflects the fact that travel assistance can be provided in a variety of ways, not just through the provision of 'transport'. It also reflects the fact that travel assistance may be provided to other college and Further Education settings for young people up to the age of 25 and, in some circumstances, for respite.

### 4.2.2 Annual Application Process

Under existing arrangements, travel assistance eligibility for children and young people is 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.

It is suggested that this approach does not take appropriate account of the personal development of individual children and young people and any changing circumstances. In allocating SEN 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 application 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.

It is therefore proposed that parents and carers be required to apply for Travel Assistance annually with effect from applications for September 2018. Commissioners will work with the digital transformation team to streamline this process and introduce a digital format which parents and carers can complete on-line.

The SEN Travel Assistance Panel will review all new applications and any other existing arrangements which have been screened for changes in circumstances or requiring a review.

#### 4.2.3 Least restrictive option

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. It is proposed that the least restrictive method of support be defined as a Personal Travel Assistance Budget or cash allowance as the default option (see details in 4.2.4 below). Every new application for travel from September 2018 will be considered for a direct payment or Personal Travel Assistance Budget. Other direct support may also be available where appropriate. Such support may be provided in the form of a travel pass for public transport, a walking escort, mileage allowance for parent / carer or shared transport.

#### 4.2.4 Personal travel assistance budgets (PTAB)

Cash allowances are already available to parents and carers eligible for SEN Travel Assistance and currently over 80 families in Medway receive travel assistance support in this way. Cash allowances offer a retrospective payment to the parent/carer based on a mileage allowance and taking into account any other exceptional circumstances. The value of the cash allowance is agreed at the start of the academic year and parents/carers claim, based on attendance. Spot-checks are carried out with schools to ensure that the amount claimed matches attendance records. A cash allowance entitlement may be impacted by a change of address or other circumstance and therefore the annual application process will ensure that these can be checked and verified.

The SEND Code of Practice encourages the promotion of personal budgets and many local authorities are now offering them as a personal transport budget. Direct payments are typically payments from the Council for people who have been assessed as needing help, and who would like to arrange and pay for their own care and support services. In a social care context these payments are made directly to the person (or to someone acting on their behalf), to arrange their own care package. Personal Travel Assistance Budgets (PTABs) through Direct Payments are not currently allocated in the context of Education Travel Assistance but it is considered that they have the potential to assist some parents and carers who may appreciate greater flexibility in organising their own arrangements.

- PTABs will not affect any of the other benefits a family already receives. Parents/carers will not need to show the Council how their PTAB is spent.
- Parents/carers can spend the budget however they like as long as their child is supported to attend school regularly and on time.
- A PTAB can give parents/carers opportunities to meet their child's teachers and other parents more often.

- The sum provided will be based on the distance travelled from home to school and their child/young person's individual needs.
- The amount of PTAB that parents/carers can receive would be calculated based on the needs of their child/young person and distance from their home to their school. This means that a PTAB will be tailored to the needs of each family.

Five key distance bands are proposed to calculate the standard amount offered. The values below are indicative at this stage and based on a similar offer from the London Borough of Bexley.

<b>Bandings</b>	<b>Annual Personal Travel Assistance Budgets</b>
3 miles and under	£1,000
3.1 to 5 miles	£1,200
5.1 to 7 miles	£1,800
7.1 to 10 miles	£2,500
>10 miles	Negotiable, depending on individual circumstances

To be eligible to receive a PTAB the child/young person would have to meet Medway Council's Education Travel Assistance Policy criteria.

It is proposed that all families eligible for travel assistance would be offered a Personal Travel Assistance Budget, unless, it is more cost effective to offer travel assistance through other means, for example, where a vehicle has an available seat that could be offered at no incremental cost. As with all Direct Payments, however, there would be no obligation to accept and would require consent.

In allocating a PTAB there is a risk that the funding could be 'mis-spent' and that the child would therefore not get to school. It would therefore be important that a contract is drawn up which states that the budget is fulfilling the LA statutory duty and, if the child does not attend school regularly, the budget may be withdrawn. Attendance would be monitored via the school. PTABs would also be paid in 11 monthly instalments over the school academic year to reduce any risk.

#### 4.2.5 Travel Training

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:

- confidence in using buses or trains;
- personal safety;
- how to use timetables and buy tickets;
- road safety, including how to cope with traffic on major roads;
- what to do when things go wrong (e.g. the bus is late); and



- money skills.

Medway Council will look to source a provider of Travel Training to support young people to access independent travel where families and carers consider this to be appropriate to their needs.

#### 4.2.6 Pick up points

The Council's existing Home to School Transport Policy already includes the utilisation of 'pick-up points' i.e. a central location where a mini-bus or taxi will pick-up and drop-off pupils travelling on any given route.

Paragraph 3.2 (d) states that *'wherever possible, parents/carers are expected to take their child to/from a pick-up/drop off point. Such points will normally be within half a mile of their home address.'*

In practice, however, contractors have so far not normally been required to plan their routes in this way or to give consideration to the potential for pick-up points in maximising route efficiency. Pick-up points will not be appropriate for all routes and there will be families for whom such an arrangement is not practical or achievable. For 2018 applications, all contractors will be asked to consider safe pick-up and drop-off points for their routes, taking into account the needs of individual pupils allocated to that route. Such arrangements will potentially benefit pupils by minimising the amount of time they are required to spend sat in transport on the journey to and from school.

#### 4.2.7 Respite

The Council recognises the value of Short Breaks and respite in supporting the resilience of families and carers of children and young people with disabilities. In some circumstances transport to and from the location of that respite care will be integral to that support. At the current time, the Council supports and funds transport to respite to a range of settings, some of which is planned and others which are more ad hoc.

Ad hoc short notice requests from parents and carers are challenging to accommodate and can cause disruption and therefore incur additional cost to planned travel arrangements. It is therefore proposed that the Home to School Transport Policy is revised to require at least 5 working days notice to set up any such arrangements and that the definition of respite is clarified to include any arrangement agreed with the Council to support the family, either through the direct allocation of a respite 'night', for example, Aut Even, or a Direct Payment utilised by the family to secure alternative overnight respite. Such arrangements will not include attendance at after school clubs or other activity for which parents and carers are utilising a short breaks grant.

#### 4.2.8 Post 16 transport

Pupils accessing post 16 education will be offered a Personal Travel Assistance Budget. Where this arrangement is not accepted or, for whatever reason, does not adequately meet their needs, students will be asked to contribute to other Travel Assistance arrangements from their Disability Living Allowance and/or access any available bursary or funding available from their college in order to offset the cost of any transport award.

Pupils and/or their parents/carers will be required to clarify this contribution at the point of applying for travel assistance.

## 5. Risk management implications

<b>Risk</b>	<b>Description</b>	<b>Action to avoid or mitigate risk</b>	<b>Risk rating</b>
Unsustainable financial burden	In the absence of changes to service delivery, there is a risk that fulfilling its statutory duties in relation to home to school transport becomes financially unsustainable with a resultant impact on the wider council budget.	Consultation on proposed changes to the Home to School Transport Policy on actions which may reduce costs	<b>A2</b>
Legal challenge as a result of proposed amendments to the policy.	It is possible that the proposed changes to the Medway Home to School Transport Policy could be legally challenged.	Consultation with service users and key stakeholders and a review of Case Law and challenges associated with similar policy reviews in other LA areas.	<b>C3</b>
Risk of additional appeals, Local Government Ombudsman investigations or Judicial Review as a result of applying amended policy to decision making process for individual children and young people	The proposed policy changes include more regular scrutiny of individual Travel Assistance arrangements. This raises the possibility of additional challenge and appeal if changes are made to Travel Assistance arrangements.	Statutory guidance is very clear in relation to eligibility for Travel Assistance. If individual circumstances change and eligibility is affected, it is appropriate that Assistance is reviewed. Any changes to the Assistance offer for existing recipients would be discussed and agreed collaboratively with parents/carers.	<b>B3</b>

## 6. Financial and Legal Implications

- 6.1 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. Any changes to the SEN Transport Policy will need to be in accordance with the Act and the statutory guidance for post 16, published by the Department for Education 2014.
- 6.2 Subsection (4) of 508B and 508C of the Act list some of the travel and transport arrangements that may be made. These might include: provision of a seat on a bus or minibus provided by the local authority; provision of a seat

in a taxi where more individualised arrangements are necessary; and provision of a pass for a public service bus, or other means of public transport.

6.3 On condition that the relevant parental consent has been obtained (annually or, if a child moves school, at that point too) by the local authority, a number of alternative arrangements might be considered to meet the local authority duty relating to travel arrangements. Examples include:

- a mileage allowance paid to a parent driving their eligible child to school in lieu of the local authority making arrangements for a taxi to transport the child;
- a cycling allowance paid by the local authority where the parent agreed for their child to cycle to and from school instead of catching a bus for, say a three mile journey; and
- local authority provision of a suitable escort to enable an eligible child with a disability to walk a short distance to school in safety, instead of making arrangements for a taxi to take them to and from school.

6.4 The Local Authority is under the same duty to provide transport to independent schools as with any other school where a child with an Education and Healthcare Plan (EHCP) is placed. There may be some instances where a SEND Tribunal agree the Independent School Placement but, due to the cost difference, ask the parent to agree that they will transport the child and this will be set out in the order. Even then, the order is only in place for a year and the parent can technically apply for transport.

6.5 The Local Authority also 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. A Diversity Impact Assessment (DIA) has been undertaken in relation to proposed changes and is provided in Appendix 1.

## **7. Recommendation**

7.1 Cabinet are asked to agree to a 6 week consultation period commencing in December 2017 on changes to Special Educational Needs (SEN) Transport Policy as set out in section 4 to the report. The Medway Parents and Carers Forum will be invited to assist in facilitating this process in line with the Partnership Agreement endorsed by Cabinet in September 2017. Feedback will be reported through the Children and Young People Overview and Scrutiny Committee on 8 March for further consideration and decision by Cabinet on 10 April 2017.

## **8. Suggested Reasons for Decision**

8.1 Changes are required in relation to the fulfilment of the Council's statutory duties to provide travel assistance to pupils with Special Educational Needs. This is in order to ensure financial sustainability. An open consultation process will help to inform the viability and acceptability of the proposed changes to parents and carers in receipt of travel assistance.

**Lead officer contact**

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**Appendices**

Appendix 1 – Diversity Impact Assessment

**Background papers**

None

## Appendix 1

<b>TITLE</b> Name / description of the issue being assessed	Special Educational Needs (SEN) Transport Policy (Home to School Transport)
<b>DATE</b> Date the DIA is completed	27 October 2017
<b>LEAD OFFICER</b> Name, title and dept of person responsible for carrying out the DIA.	Graham Tanner Programme Lead, Children's (0-25) Partnership Commissioning

### 1 Summary description of the proposed change

- What is the change to policy / service / new project that is being proposed?
- How does it compare with the current situation?

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.

Medway's Home to School Transport Policy (April 2017) defines the Council's policy and processes for meeting these statutory duties.

Meeting its statutory duty is putting increasing pressure on the council budget as the number of eligible children requiring travel assistance, the complexity of their needs and the cost of providing travel assistance increases.

The following additional changes and clarifications to Medway's Home to School Transport Policy (April 2017) are proposed for consultation in order to provide more flexible options for parents/carers of children with SEN, together with additional rigour and cost control through the application and travel assistance allocation process.

#### *Least restrictive option*

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. It is proposed that the '*least restrictive*' method of support be defined as a personal budget or direct payment. Every new application for travel from September 2018 will be considered for a direct payment or personal budget. Other direct support may also be available where appropriate. Such support may be provided in the form of a travel pass for public transport, a walking escort, mileage allowance for parent / carer or a minibus/taxi.

#### *Annual application process*

Under existing arrangements, travel assistance eligibility for children and young people is 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.

This approach does not take account of the personal development of individual children and young people and any changing circumstances. In allocating SEN 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 application process.

# Diversity impact assessment

This approach will also ensure that any pertinent information in relation to health needs, medication and emergency contact details etc are 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 to consider more flexible arrangements through a cash allowance or Direct Payment.

It is therefore proposed that parents and carers be required to apply for SEN Travel Assistance annually from April 2018. Commissioners will work to streamline this process and to introduce a digital format which parents and carers can complete on-line.

The SEN Travel Assistance Panel will review all new applications and any other existing arrangements which have been screened for changes in circumstances or requiring a review.

## *Personal travel assistance budgets (PTAB)*

Cash allowances are already available to parents and carers eligible for SEN Travel Assistance and currently over 80 families in Medway receive travel assistance support in this way. Cash allowances offer a retrospective payment to the parent/carer based on a mileage allowance and taking into account any other exceptional circumstances. The value of the cash allowance is agreed at the start of the academic year and parents/carers claim, based on attendance. Spot-checks are carried out with schools to ensure that the amount claimed matches attendance records. A cash allowance entitlement may be impacted by a change of address or other circumstance and therefore the annual application process will ensure that these can be checked and verified.

Direct payments are typically payments from the council for people who have been assessed as needing help, and who would like to arrange and pay for their own care and support services. In a social care context these payments are made directly to the person (or to someone acting on their behalf), to arrange their own care package. Personal Travel Assistance Budgets (PTABs) through Direct Payments are not currently allocated in the context of Education Travel Assistance but it is considered that they have the potential to assist some parents carers who may appreciate greater flexibility in organising their own arrangements.

## *Pick up points*

The Council's existing Home to School Transport Policy already includes the utilisation of 'pick-up points' i.e. a central location where a mini-bus or taxi will pick-up and drop-off pupils travelling on any given route.

Paragraph 3.2 (d) states that '*wherever possible, parents/carers are expected to take their child to/from a pick-up/drop off point. Such points will normally be within half a mile of their home address.*'

In practice, however, contractors have thus far not been required to plan their routes in this way or to give consideration to the potential for pick-up points in maximising route efficiency. Pick-up points will not be appropriate for all routes and there will be families for whom such an arrangement is not practical or achievable. For 2018 applications, all

contractors will be asked to consider safe pick-up and drop-off points for their routes, taking into account the needs of individual pupils allocated to that route. Such arrangements will potentially benefit pupils by minimising the amount of time they are required to spend sat in transport on the journey to and from school.

It is proposed that the name of the policy be amended to 'Education Travel Assistance Policy' to reflect that travel assistance may not necessarily be provided from the pupil's home address.

## *Respite*

The Council recognises the value of Short Breaks and respite in supporting the resilience of families and carers of children and young people with disabilities. In some circumstances transport to and from the location of that respite care will be integral to that support. At the current time, the Council supports and funds transport to respite to a range of settings, some of which is planned and others which are more ad hoc.

Ad hoc short notice requests from parents and carers are challenging to accommodate and can cause disruption and therefore incur additional cost to planned travel arrangements. It is therefore proposed that the Home to School Transport policy is revised to require 5 working days notice to set up any such arrangements and that the definition of respite is clarified to include any arrangement agreed with the Council to support the family, either through the direct allocation of a respite 'night' e.g. Aut Even, or a Direct Payment utilised by the family to secure alternative overnight respite. Such arrangements will not include attendance at after school clubs or other activity for which parents and carers are utilising a short breaks grant.

## *Post 16 transport*

Pupils accessing post 16 education will be required to contribute from their Disability Living Allowance and/or access any available bursary or funding available from their college in order to offset the cost of any transport award. Pupils and/or their parents/carers will be required to clarify this contribution at the point of applying for transport. Any top up will be agreed through Panel in the form of a cash allowance or Direct Payment.

Where there are settings with a large number of pupils travelling, Partnership Commissioning will tender these routes or negotiate with the college directly to organise transport.

## **2 Summary of evidence used to support this assessment**

- eg: Feedback from consultation, performance information, service user records etc.
- eg: Comparison of service user profile with Medway Community Profile

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.

The main findings of the ADCS survey have resonance in Medway and were:-

- LAs are transporting an **increasing number of children with SEND**

# Diversity impact assessment

(partly because of the 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.

- 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.
- The **geographical nature** of some LAs means that a significant number of children live outside of the 'statutory' walking distance. This is coupled with a lack of public transport so LAs must provide other, more costly forms of transport.
- 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.
- 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.

The above national issues affecting SEN Transport are reflected in Medway. A benchmarking exercise undertaken shows that Medway's cost per pupil is low in comparison to other unitary authorities. However, the complexity of need contributes towards the level of spend. This has led to a heavy reliance on ad hoc solo taxi arrangements. This is an expensive option of providing travel assistance. It is therefore important that taxis are used as the last resort and all SEN transport arrangements are managed within the Framework Contract and reviewed at a panel. The options for SEN transport need to be expanded to include personal travel budgets, travel training, and pick up points.

It is proposed that public consultation be undertaken to further explore the impact of proposed [policy changes with affected groups.

### 3 What is the likely impact of the proposed change?

Is it likely to :

- Adversely impact on one or more of the protected characteristic groups?
- Advance equality of opportunity for one or more of the protected characteristic groups?
- Foster good relations between people who share a protected characteristic and those who don't?

(insert ✓ in one or more boxes)

Protected characteristic groups (Equality Act 2010)	Adverse impact	Advance equality	Foster good relations
Age	✓		
Disability		✓	



# Diversity impact assessment

<b>Gender reassignment</b>	N/A	N/A	N/A
<b>Marriage/civil partnership</b>	N/A	N/A	N/A
<b>Pregnancy/maternity</b>	N/A	N/A	N/A
<b>Race</b>	N/A	N/A	N/A
<b>Religion/belief</b>	N/A	N/A	N/A
<b>Sex</b>	N/A	N/A	N/A
<b>Sexual orientation</b>	N/A	N/A	N/A
<b>Other (eg low income groups)</b>	N/A	✓	N/A

## 4 Summary of the likely impacts

- Who will be affected?
- How will they be affected?

It is considered that the following protected characteristics may be impacted by this change.

### Age

#### *Under 5s*

Children under statutory school age will not be provided with travel assistance. This may impact families of 'rising 5's' starting in reception or families where children attend nursery or pre-school.

This represents a clarification to the existing policy.

#### *Post-16 students*

Pupils accessing post 16 education may be required to contribute from their Disability Living Allowance and/or access any available bursary or funding available from their college in order to offset the cost of any transport award. Pupils and/or their parents/carers will be required to clarify this contribution at the point of applying for transport. Any top up will be agreed through Panel in the form of a cash allowance or Direct Payment.

### Disability

SEN travel assistance by definition impacts on children and young people with disabilities and their families/carers. Any policy revisions will continue to ensure that Medway Council continues to meet statutory duties 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 based on an assessment of individual need.

## **Low income groups**

Low income is one category under which eligibility for education travel assistance is considered. Any policy revisions will continue to ensure that Medway Council continues to meet statutory duties 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 based on a robust assessment of individual need.

## **5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?**

- What alternative ways can the Council provide the service?
- Are there alternative providers?
- Can demand for services be managed differently?

- Medway Council will undertake a consultation with affected groups, prior to introducing any changes to policy.
- Medway Council will seek to expand the flexibility of support options, e.g. through the introduction of Direct Payments.
- Medway Council will clearly communicate any changes to policy through its consultation to help inform decision making by families when applying for school and college places from September 2018.
- Medway Council will introduce a panel process to assess all applications and ensure consistent application of policy in allocating travel assistance.
- A rigorous appeals process will ensure that no families are unfairly impacted by any changes to policy.

## **6 Action plan**

- Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence

Action	Lead	Deadline or review date
Consultation with existing recipients of education travel assistance and other stakeholders / affected groups.	Partnership Commissioning	31/01/18
Clear communication of any proposed policy changes or additional travel assistance options	Partnership Commissioning	31/01/18
Robust panel process to ensure consistent application of policy in allocating education travel assistance for children and young people with SEN	Partnership Commissioning	31/10/17

## 7 Recommendation

The recommendation by the lead officer should be stated below. This may be:

- to proceed with the change, implementing the Action Plan if appropriate
- consider alternatives
- gather further evidence

If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

It is recommended that further consultation be undertaken to understand the impact of the proposed policy changes on affected groups.

## 8 Authorisation

The authorising officer is consenting that:

- the recommendation can be implemented
- sufficient evidence has been obtained and appropriate mitigation is planned
- the Action Plan will be incorporated into the relevant Service Plan and monitored

### Assistant Director

Helen Jones, Assistant Director for Commissioning, Business and Intelligence

### Date

27 October 2017

Contact your Performance and Intelligence hub for advice on completing this assessment

RCC:	phone 2443	email: <a href="mailto:annamarie.lawrence@medway.gov.uk">annamarie.lawrence@medway.gov.uk</a>
C&A (Children's Social Care):	contact your usual P&I contact	
C&A (all other areas):	phone 4013	email: <a href="mailto:jackie.brown@medway.gov.uk">jackie.brown@medway.gov.uk</a>
BSD:	phone 2472/1490	email: <a href="mailto:corppi@medway.gov.uk">corppi@medway.gov.uk</a>
PH:	phone 2636	email: <a href="mailto:david.whiting@medway.gov.uk">david.whiting@medway.gov.uk</a>