

## **CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE**

**4 OCTOBER 2018**

### **MEMBER'S ITEM:**

## **SPECIAL EDUCATIONAL NEEDS (SEN) TRANSPORT**

Report from: Ian Sutherland, Director of Children and Adults Services

Author: Fiona McCaul, Interim Assistant Director, Commissioning, Business and Intelligence

### **Summary**

This report sets out the response to an issue raised by Councillor Johnson regarding home to school transport arrangements for children with Educational, Health and Care Plans (EHCPs).

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

- 1.1 Sections 508B and 508C of the Education Act 1996 (as amended) set out the local authority's duties and powers respectively, to make such suitable travel arrangements as the local authority considers necessary, to facilitate a child's attendance at school. Therefore, Medway Council has a statutory duty to have in place arrangements for the provision of home to school travel assistance and transport for children and young people with Special Educational Needs and Disabilities (SEND) who meet the Council's published eligibility
- 1.2 In April 2018, Cabinet approved the Education Travel Assistance Policy (decision number 58/2018), which included the implementation of changes to the service to ensure effective delivery and a sustainable service that will work within budget but also designed to provide a more flexible range of options to families.
- 1.3 Under Medway Constitution Overview and Scrutiny rules (Chapter 4, Part 5, Paragraph 9.1) Councillor Johnson has requested that an item regarding Special Educational Needs (SEN) transport is included on the agenda for this meeting.

## **2. The Issue**

### 2.1 Specifically, Councillor Johnson asked:

*“Following the enormous concerns raised by parents about the rushed and clumsy implementation of changes to the transport arrangements for children with special educational needs over the summer, which have continued since the start of term, together with the worry and anger which have been caused, I would like:*

- *a clear explanation of what the changes were intended to achieve;*
- *a full account of how the changes were implemented and over what timescales;*
- *what action the directorate took to alleviate the problems which the changes caused and how that action is continuing;*
- *what the directorate has learned for the future about engaging with vulnerable families over implementing change”.*

## **3. Director’s Comments**

3.1 The implementation of policy change to SEN Transport was complex and required a robust action plan to manage the service that moved back into the Council, with several opportunities for improvement with regard to service quality, staffing capacity and value for money.

3.2 The SEN Transport budget has been consistently under pressure for several years and this is forecast to continue as the current pressure remains, resulting in, sustained and growing burden on the service’s budget. This is due to:

- An increasing number of children with Education, Health and Care Plans (EHCPs) and the extension of support to young people aged up to 25 years ultimately increasing demand for travel assistance.
- Children live longer with more complex medical needs and physical disabilities.
- Demand outstripping supply of local education provision resulting with pupils travelling out of area to access education
- Increase in number and length of journeys as well as increasing complexity of need.
- The children are being transported mainly on minibuses or solo taxis over the course of their school life without review or re-assessment of transport needs or the requirement for parents to make any contribution

3.3 In September 2017, the SEN Transport operational function moved into Children’s Partnership Commissioning and opportunities to improve both quality and value for money were identified. Upon transfer from Norse, a number of human resource issues emerged, which reduced capacity.

#### **4. What The Changes Were Intended To Achieve**

- 4.1 The primary intention behind making changes in SEN Transport was to ensure Medway Council can continue to provide the service within the available budget in the face of sustained and rising demand for the service.
- 4.2 Another key intention of the changes is to give more choice to more people by increasing the number of families and carers to whom we make personal travel assistance budgets (PTAB) and cash allowances. By making these direct payments available the intention is to give greater flexibility to families; paying them directly, giving them more control and choice over how their child gets to school, yet in a way that works flexibly according to each particular family's needs.
- 4.3 Promotion of independence and confidence among children and young people is a key priority, and a common theme in all parts of Children's Services. One of the important SEN Transport changes being established in 2018/19 is that we will be providing Travel Training to up to 100 young people who have the potential and desire to build up their confidence and skills to travel on buses and trains, first to college, and later to enhance their employability.
- 4.4 The changes were designed to achieve cost efficiencies and better utilisation of minibuses by consolidating and reorganising routes to maximise the number of children transported and have fewer buses running with empty seats, which could be used by children who need them.

#### **5. How The Changes Were Implemented**

- 5.1 The changes were introduced with a six-month pre-implementation planning period; consultation took place in January 2018; the policy change was agreed by Cabinet in April 2018, pre-implementation planning took place in May and the changes were started in June 2018 and ran through the course of the summer until school started.
- 5.2 The implementation plan included carrying out a Year 1 review of needs, which required applications to be made for all children, irrespective of their level of need; this ran from April to June 2018. The policy requires that the needs of children be individually assessed and reviewed annually.
  - 5.2.1 An online application form was developed but paper forms were also placed in Medway's libraries, and reminders were sent to parents to remind them to apply.
  - 5.2.2 An SEN Travel Assistance panel was introduced to strengthen the way eligibility for transport is assessed and to ensure that all who may be eligible for the alternative options of minibus and solo taxi were offered these choices; decision letters were sent out in batches from June to

14 August when the last batch were sent; late applications were dealt with individually after this.

- 5.2.3 Four additional staff were employed to manage the administrative processes associated with the new arrangements as well as the growing demand, as capacity that returned from the previous provider did not meet need.
- 5.3 Communication with parents was by a series of letters. The first of these was sent before the end of the summer term, advising of the imminent changes.
- 5.4 Procurement took place and a contract was signed with a Travel Training Partner called The Education People, with expertise in disability and supporting young people. The current plan is for this to be rolled out starting Q3 2018/19 with places for up to 100 young people.
- 5.5 A review of routes took place in July 2018.
- 5.6 Consolidation of routes took place through negotiations with all transport providers with notice being given on some routes and costs reduced during rationalisation.
- 5.7 It was determined that the non-statutory service for SEND pupils accessing 16+ education should continue, but in order to contribute towards financial sustainability a contribution would be required towards travel assistance arrangements from parents and carers of pupils accessing 16+ education unless they have a named education / training provider on their EHCP. In implementing this policy it was determined:
  - 5.7.1 That it would be appropriate to offer a reduction of 25% to the contribution requested from the parents and carers of those aged 16+ whose families were assessed as eligible.
  - 5.7.2 That pupils accessing post 16 education could access any available bursary or funding available from their college in order to offset the cost of any transport award or contribute from their Disability Living Allowance/Mobility Allowance.
- 5.8 In implementing the Personal Travel Budgets it was determined that:
  - 5.8.1 Previous cash allowances (made on the basis of a pence per mile basis) would be converted to Personal Travel Budgets (generally more advantageous with a standard payment at one of five levels depending on distance) if the parent or carer agreed.
  - 5.8.2 The values of the Personal Travel Budgets would be set at the start of the academic year. In 2018/19 this is £1,000 per year for those 3 miles and under away from school or college; £1,200 per year for those between 3 and 5 miles; £1,800 per year for those between 5 and 7 miles; £2,500 per

year for those between 7 and 10 miles and £5,000 per year for those 10 miles and above away.

5.8.3 There would be no requirement for parents/carers to show the Council how their personal travel budget is spent, as long as their child is supported to attend school regularly and on time.

5.8.4 Non-receipt of payment would be no barrier to the SEN Transport team setting up transport, and an invoice would be sent afterwards; some parents that preferred to leave the process at this point to make independent arrangements were free to do so.

## **6. What action the directorate took to alleviate implementation problems**

6.1 In June, the SEN Transport team realised that the number of applications were being received at too slow a rate and that the letters advising parents to apply had either been overlooked or had not made clear enough the requirement for an application form to be submitted for every child.

6.2 When it became apparent that letters were being left in school bags on occasion, the timelines were extended and parents were written to again and schools were asked to support the process by sending text messages as prompts and ensure that letters were sent home with students.

6.3 Once parents realised that an application was needed the SEN Transport team experienced a batch of applications and the panel started to get to work on decisions with many parents and carers being offered the new personal transport budgets. In total, the team dealt with c.1180 applications.

6.4 A higher than expected number of parents appealed the decision to award them a personal transport budget (direct payment) which required additional consideration.

6.5 Daily updates with the Lead Member for Children's Services took place and a collaborative task group was set up between SEN, Education, Direct Payments Team, Democratic Services, Communications and the Medway Parent & Carer Forum with the aim of addressing issues and finding effective solutions.

6.5.1 Social media messages were used and weekly meetings with the Chair of Medway Parent & Carer Forum were held to feed updates and concerns both ways.

6.5.2 Efforts were switched to proactive phone contact rather than letters as it became clear that a proportion of the appeals were caused by a lack of understanding of jargon, and lack of plain English in the letters e.g. we said 'shared transport' rather than 'minibus' and 'personal budget' rather than 'we will make a payment to you' and we found that letters were sometimes left aside and not necessarily read until the weeks before school started.

- 6.6 Because of the slow build in applications it was not until August that there was a complete understanding of the pick-up addresses for September and the new intake so the renegotiation with providers and consolidation of routes started later than anticipated; as a result the publishing of the final pupil lists was delayed; this led in turn to a delay in the meet and greets between drivers, passenger assistants and children which in turn led to a wave of phone calls in August.
- 6.7 The Medway Council contact centre assisted with calls, which reached a peak of around 300 per day during August and this allowed the team to devote more time to resolving individual cases.
- 6.8 Late applications were an issue. To accommodate these we allowed late adjustment of pupil lists, routes and timings of pick-ups for all children on shared transport. These late changes however generated some anxiety, and led to further parent calls and to adjustment of quotes from providers with whom we had only just renegotiated prices.
- 6.9 The existing staffing structure was augmented by investing £70,000. The plan is to have this fully staffed by November 2018 as capacity that transferred in from Medway Norse did not meet need, when the service was originally moved into the Children's Partnership Commissioning Team.

## **7. How this action will continue and what has been learned for the future about engaging with vulnerable families**

- 7.1 We will look to further refine processes next year and it is intended to integrate the application procedure with the Education Health Care Plan process.
- 7.2 Schools were asked to support the process this year by sending prompts and ensuring letters went home with students. We recognise that closer work is needed with schools and head teachers as part of next year's plan.
- 7.3 Some young people for a variety of reasons require specialist one to one tuition outside of a formal education setting and we will continue to support these vulnerable children, enabling them to shift away from historical solo-taxi arrangements to shared transport, where it is safe to do so.
- 7.4 Parents were engaged on the policy changes and through the process as well as through the involvement of the Parent and Carer Forum. We will continue to engage parents from the outset this year to improve communications, and an engagement event is planned for October.
- 7.5 Extensive reassurance and support was needed for parents and carers and this was carried out by the SEN Transport Team. However next year there needs to be a clear single point of contact for parents and carers. This could be achieved via an engagement lead who will prioritise and 'own' the relationship with families.

- 7.6 The implementation of policy changes meant increased car drop-offs at school sites and Traffic Management teams assisted. Next year we will ensure Travel Training is operational as one means of moderating this issue.
- 7.7 This year we reviewed all the SEN Transport routes and in some cases replanned complex routes whilst negotiating with providers to take new routes and increase their capacity within a tight timeframe. For next year, we plan to set standards around better advance notice about the timing of the “meet and greet” to reduce any impact on children. We also plan to introduce more analytically skilled officers into the team to assist with route planning and accurate list maintenance.
- 7.8 The Self Directed Support Team gained positive feedback from parents, as they were able to provide insightful support through their dialogue about how to use a personal transport budget. Next year, we plan to strengthen the role of this team and build up the number of families receiving this payment.
- 7.9 The Parent & Carers Forum provided huge guidance to us on the views of parents and we would like to build on the relationship with them to shape and co-produce the service re-design for next year. We want to thank them for their positive and active engagement.
- 7.10 Working with parents on the phone was an effective way of resolving concerns, which would have otherwise resulted in a Stage 2 appeal. These were reduced or avoided.
- 7.11 Whilst we sent out regular letters to families, we realise that this year there was an over-reliance on letters that contained jargon and were not clear enough. Next year we will simplify and reduce the numbers of letters, use plain English and employ 2-way modes of contact such as telephone and small group meetings with parents.

## 8. Risk Management

<b>Risk</b>	<b>Description</b>	<b>Action to avoid or mitigate risk</b>
Budget overspend	Risk of overspend within the SEN transport budget in the next financial year	Development of cost mitigation plans and route rationalisation and cost negotiations on low tolerance routes
Negative media coverage	Increased complaints and poor media coverage can result in poor reputation for the Council	Work closely with Communications and Engagement Teams as well as the Medway Parent and Carer Forum
Staffing model	Staffing not in place by 1 <sup>st</sup> November 2018	Recruit whilst maintaining temporary staff in place and undertake team restructure.

## **9. Financial implications**

- 9.1 The SEN Transport round one budget monitoring forecast projected a budget overspend of £0.690 million. The changes to the service outlined above have been implemented to help mitigate this overspend. The service will be meeting with providers at the end of September to finalise individual route costs.

## **10. Legal implications**

- 10.1 Any streamlining or redesign of the administrative and engagement processes for academic year 2019/20 as a result of lessons learned in this the first year of operation will be subject to approval from the legal team before implementation.

## **11. Recommendation**

- 11.1 The Committee is asked to note this report.

### **Lead contact:**

Wendy Edward, Head of Childrens Commissioning (0-25)

Tel: (01634) 331055

Email: [wendy.edward@medway.gov.uk](mailto:wendy.edward@medway.gov.uk)

### **Appendices:**

None

### **Background papers:**

None