



## **CABINET – 9 MARCH 2018**

### **MAINSTREAM AND SPECIAL EDUCATIONAL NEEDS HOME TO SCHOOL TRANSPORT POLICY**

#### **REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT**

### **PART A**

#### **Purpose of the Report**

1. The purpose of this report is to seek approval from the Cabinet to implement a revised Special Educational Needs (SEN) Transport Policy and a revised Mainstream Home to School Transport Policy following the conclusion of a public consultation.
2. The proposals in this report relate to discretionary transport provision for children with SEN or disabilities under the age of 5 years, for young people with SEN aged 16 to 18 and other young people aged 16+.

#### **Recommendation**

3. It is recommended to Cabinet that:
  - a) The responses to the public consultation on proposed changes to the Special Educational Needs (SEN) Transport Home to School Transport Policy and the Mainstream Home to School Transport Policy are noted;
  - b) That the following changes (to the above Policies) be approved for implementation with effect from September 2019:

##### **(i) Nursery Transport**

A reduction in the exemption, from a 100% discount to a 50% discount for low-income families with an annual contribution of £330 (50% of the current full charge rate) for affected children/families with the charge being reviewed annually.

##### **(ii) Post-16 SEN Transport**

A reduction in the exemption, from a 100% discount to a 50% discount for low-income families with an annual contribution of £330 (50% of the current full charge rate) for affected children/families with the charge being reviewed annually.

Traditional transport methods (Council fleet minibuses or taxis) for all eligible children between 16 and 18 to be removed and replaced with a Personal Transport Budget (PTB) direct payment, noting that

- PTBs will be amended to take account of the low-income “discount” of 50% (i.e., a PTB amount offered will be £330 higher for students from low-income families), and
- Exceptions to the Policy will be considered on a case-by-case basis;

(iii) Mainstream Post-16 Transport -

Traditional transport (mainly taxis and commercial bus passes) would cease to be provided for students and the exemption for students from a qualifying low-income background would be removed, to be replaced with an annual travel grant of £150 (for those from a low-income background or living in isolated rural areas).

### **Reasons for Recommendation**

4. To enable savings to be made to help address the shortfall in the Medium Term Financial Strategy 2018/19 to 2021/22 (MTFS). The Council does not have a statutory duty to provide home to school/college transport free of charge to students aged 16-18 (SEN and Mainstream), nor to provide home to nursery transport for children under 5 years with SEN. With transport costs for all home to school transport continuing to rise, the Council needs to reduce the cost of non-statutory education transport provision.
5. An annual review of the charges for Nursery and Post-16 Transport will help ensure that they are adjusted to reflect transport costs.
6. An exception clause for Post-16 SEN Transport would enable individual circumstances to be accommodated where a PTB would not be appropriate or feasible and traditional transport arrangements need to be maintained.
7. The £150 travel grant will assist those mainstream Post-16 students from low-income backgrounds or living in isolated rural areas with their transport costs.
8. Implementing the changes with effect from September 2019 will give students and their families plenty of notice so that alternative arrangements can be made where necessary. This also removes the need for any transitional provision to be put in place.

### **Timetable for Decisions (including Scrutiny)**

9. Any new policy must be published by early September 2018 so that parents can make informed choices about expressing a preference for their child’s nursery or post-16 school placement for the September 2019 pupil intake/transfer cycle.
10. The Environment and Transport Overview and Scrutiny Committee discussed the policy change proposals in relation to Home to School Transport on 22<sup>nd</sup> November 2017 and will consider this report on 1<sup>st</sup> March 2018. Its comments will be reported to the Cabinet.

### **Policy Framework and Previous Decisions**

11. The Council has a statutory duty to provide free transport to schools for eligible compulsory school age children. For non-eligible children (i.e. children not of statutory school age) the provision of transport is at the County Council's discretion.
12. The current policy on Mainstream Home to School Transport was agreed by the Cabinet in July 2013 and implemented in September 2015. The Special Educational Needs Transport Policy was agreed by the Cabinet in April 2012 and implemented in September 2013. The transport provided for students aged 16-18 and for children under 5 years with SEN under these policies is discretionary. The Council is not intending to change its eligibility criteria for support with such transport but to offer different transport options.
13. On 15<sup>th</sup> September 2017, the Cabinet agreed to hold a public consultation exercise on the proposed SEN and mainstream school transport policy changes.

### **Resources Implications**

14. The refreshed Medium Term Financial Strategy (MTFS) for 2018/19 to 2021/22 has savings of £37m identified and built in (leaving a remaining shortfall of £13m). The Environment and Transport Department has been tasked with achieving savings of £7.1 over that period, and a review of Social Care and SEN Transport is expected to deliver £1.2m of this.
15. The changes proposed in this report are estimated to generate annual savings of up to £0.8m (the current SEN budget for 2017/18 is £9.3m). The remaining £0.4m is expected to be delivered through voluntary take up of personal travel budgets combined with efficiencies and process improvements in Adult Social Care transport. The exact level of savings will depend in part on the number of individuals with exceptional circumstances that will require continued provision of traditional transport. The predicted savings assumes an exceptions rate of up to 20%.
16. The proposed changes will also address the increasing cost of post-16 SEN transport. Despite delivering process and operational efficiencies, the cost of providing SEN transport continues to grow at around 5% per year due to increasing delivery costs and the rising number of SEN pupils.
17. A review of the volume of appeals after the implementation of the policy will identify whether any additional appeal resources are required. This could be up to an additional £30,000 one-off requirement in the 2019/20 academic year although it is expected that this could be accommodated from within existing resources.
18. The Director of Corporate Resources has been consulted on the content of this report.

### **Legal Implications**

19. The Education Act 1996 places duties on local authorities with regard to travel arrangements children of compulsory school age (5-16 years), including those with SEN who cannot reasonably be expected to walk to school because of mobility

problems or associated health and safety issues related to their SEN or disability. The Act also sets out local authorities' responsibilities with regard to transport for 16-18 year-olds, giving Councils discretion to determine what transport and financial support is necessary to facilitate attendance.

20. Local authorities must assess the travel and transport needs of children and young people within their area. This assessment will inform a local authority's policy considerations.

### **Circulation under the Local Issues Alert Procedure**

21. A copy of this report has been sent to all Members of the Council under the Members' News in Brief service.

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**PART B****Background**

22. The County Council provides transport to nursery and school/college for approximately 400 children with SEN who are under five years old and between the ages of 16-18 (SEN and mainstream). The Council does not have a statutory duty to provide free transport for these age groups.
23. Section 508A of the Education Act 1996 (the Act) places a general duty on local authorities to promote the use of sustainable travel and transport. The duty applies to children and young people of compulsory school age (5–16) who travel to receive education or training in a local authority's area. The duty relates to journeys to and from institutions where education or training is delivered.
24. Section 508B of the Act deals with the duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children. In respect of children with SEN Schedule 35B of the Act defines eligible children for the purposes of section 508B. In respect of SEN local authorities are required to make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability.
25. Section 509AA of the Act covers the authority's responsibility in respect of the 16-18 transport duty and, in summary, gives local authorities the discretion to determine what transport and financial support are necessary to facilitate young people's attendance. The local authority must exercise its power to provide transport or financial support reasonably, taking into account all relevant matters which means that the provision of a transport offer, albeit provided by the introduction of a Personal Transport Budget, must be offered.
26. The duty requires that local authorities must undertake an assessment of the travel and transport needs of children, and young people within the authority's area. It is this assessment that then drives policy considerations in the authority's area.
27. Under Section 508F of the Act, the local authority is required to make such arrangements for the provision of transport as they consider necessary in respect of:
  - a) adults (those who are aged 19 or over) for the purpose of facilitating their attendance at local authority maintained or assisted further or higher education; and
  - b) adults aged under 25 with an Education, Health and Care (EHC) plan for the purpose of facilitating their attendance at institutions where they are receiving education or training outside the further and higher education sectors (the duty only applies where the local authority has secured the provision).
28. Where such arrangements are made, any transport provided must be made free of charge, therefore students aged 19 or over are not affected by the proposals.

29. Revised Post-16 transport statutory guidance was published in October 2017. The guidance provides additional clarity around transport provision but has not changed the legal duties placed on the Council. The Department for Education (DfE) announced a review of the statutory Home to School travel and transport guidance (July 2014) in early September 2017. Consultation would be required on any proposals and revised statutory guidance is not expected before summer 2018 at the earliest.

### **Proposed Policy Amendments**

Options for consideration

30. The public consultation focused on the following proposals: full details are set out in Appendix A.

i) Proposal 1

**NURSERY LOW INCOME:** To remove the 100% discount received by low income<sup>1</sup> families for non-compulsory school age children travelling to SEN nurseries and to introduce a contribution for transport cost (where provided). The consultation sought views on the appropriate level of contribution (the current contribution being £660 for 2017/18 academic year). This affects 38 children attending nursery and could generate savings of up to £25,000 (a cost saving on average of £132 per school day).

**POST-16 MAINSTREAM AND SEN LOW INCOME:** To remove the 100% discount received by low income families for non-compulsory school age children travelling to mainstream and SEN post-16 education providers and to introduce a contribution for transport cost (where provided). The consultation sought views on the appropriate level of contribution (the current contribution being £660 for 2017/18 academic year). This affects 151 SEN and 32 mainstream post-16 children and could generate savings of up to £121,000 (a cost saving, on average, of £660 for each student per school year).

**and/or**

ii) Proposal 2

**PERSONAL TRANSPORT BUDGETS ONLY FOR POST-16 SEN:** To remove traditional transport methods (Council fleet minibuses or taxis) for all eligible SEN post-16 children and replace it with a Personal Transport Budget (PTB) payment. Consideration would be given to exceptions and in some cases traditional transport would be retained. This affects 320 children (including all of the 151 children identified in Proposal 1 above) and could generate savings of up to £773,000 (a cost saving, on average, of £2,415 for each student per school year).

**and/or**

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<sup>1</sup> For the purpose of this policy, 'low income families' are families with pupils who receive free school meals or families in receipt of maximum Working Tax Credit payments."

iii) Proposal 3

GRANT FOR POST-16 MAINSTREAM ONLY: To cease providing post-16 transport for eligible mainstream post-16 students and instead to provide a travel grant to assist with transport costs for those in isolated rural areas or on low income. This affects 58 children (including some of the 32 Mainstream post-16 children identified in proposal 1 above) and could generate savings of up to £27,000 (a cost saving, on average, of £465 for each student per school year). There are currently 200 mainstream post 16 students transported and those not covered by this proposal would be signposted to other bus services where required.

### Personal Transport Budgets

31. In each of these proposals, it is likely there would be circumstances where traditional transport may still be provided for a small number of passengers, and such requests would be considered based on each individual case details. Any application of low income exemptions and contributions for post-16 transport (mainstream or SEN) would be considered when calculating any PTB offered. A similar consideration would be required for travel grants.
32. The consultation sought to determine whether students from low income households should have a different PTB rate. There will be a continuing expectation that students make a contribution towards the cost of their transport arrangements (currently £660 for the 2017/18 academic year), therefore the PTB offered would take account of any contribution determined.
33. The consultation also asked about only providing a PTB for pupils with SEN accessing post-16 learning instead of council-provided transport (fleet or taxi). There are currently 135 families (139 children) who have chosen a PTB in preference to transport organised by the council (out of approximately 1670 students); 45 of these children are post-16 SEN students (out of approximately 370 students) and 15 children are of nursery age. This allows families to make transport arrangements to suit their own personal circumstances.
34. Comparisons have been made with the arrangements adopted by other local authorities. It is evident that some expect a contribution to be made by students from a low income background. Arrangements range from no discount in Sheffield (students are signposted to the 16-19 national bursary fund), a 50% discount in Essex, a £20 discount in Derbyshire (from a £265 contribution), and no contribution for SEN post-16 students in Norfolk. The statutory guidance makes it clear that the Council, in exercising its discretion, should take into account affordability issues and arrangements to support those on low income.

### Options not considered

35. A number of options were initially considered for consultation but discounted due to delivery concerns or because the expected level of savings was low:
  - Removal of Post-16 support for students in receipt of higher rate mobility payments in Disability Living Allowance or Personal Independence Payments
  - Removal of Post-19 transport
  - Removal of specialist trained escorts

- Centralised group pick up points
- Removal of Mainstream post-16 transport offer
- Full cost recovery of post-16 SEN transport
- More extensive use of Black Cab type transport
- Parent escorts
- Integration with Non-Emergency Passenger Transport
- Independent Travel Training
- Withdrawal of medical interventions and use 999 protocol (a review of this approach is being considered as part of business as usual)
- Reducing solo contracts
- Use of Community Transport
- Removal of specialist nursery transport.

### **Consultation Responses**

36. The consultation took place from 25 September to 21 December 2017. Consultation proposals were available on the council's website and consultation events were held at the five area Special Schools. Other meetings were held with interest groups. Hard copied of the consultation were available on request.
37. A detailed report on the full consultation response is attached at Appendix B. There were 226 responses in total, of which 70% (158) were parents/carers of school transport users. Of those, 80% (126) were parents/carers of SEN children. The headline consultation response to each question is set out below with further detailed assessment provided in the appended consultation report.

#### SEN Nursery, low income

38. Respondents were asked about the proposals to remove the 100% discount received by low income families for non-compulsory school age children travelling to SEN nurseries and to introduce a contribution for transport cost (where provided). There were 114 respondents:
- Three-quarters disagreed (74%) with the principle of reducing the level of discount for eligible nursery aged SEN children from low income families.
  - A fifth (19%) agreed.

#### SEN post-16, low income

39. Respondents were asked about the proposals to remove the 100% discount received by low income families for non-compulsory school age children travelling on SEN post-16 transport and to introduce a contribution for transport cost (where provided). There were 223 respondents:
- Four out of five (80%) disagreed with the principle of reducing the level of discount for eligible post-16 SEN students from low income families.
  - One in seven (16%) agreed.

#### Mainstream post-16, low income

40. Respondents were asked about the proposals to remove the 100% discount received by low income families for non-compulsory school age children travelling on



mainstream post-16 transport and introduce a contribution for transport cost (where provided). There were 206 respondents:

- Nearly two-thirds (62%) disagreed with the principle of reducing the level of discount for eligible mainstream post-16 students from low income families.
- One in four (27%) agreed.

#### SEN post-16 - Personal Transport Budgets

41. Respondents were asked about removal of traditional transport methods (Council fleet minibuses or taxis) for all eligible SEN post-16 children and replace it with a PTB payment. There were 206 respondents:

- Over four in five (83%) disagreed with the proposal to stop offering council-arranged taxis and minibuses to transport SEN students to post-16 education and offer a Personal Transport Budget instead.
- Fewer than one in seven (13%) agreed.

#### Access to education and training and PTBs

42. Respondents were asked to comment on the impact of the proposals on access to education/training, whether there were any barriers to utilising PTBs, and if anything would help the use of PTBs and reduce any negative impact:

- Respondents were generally negative regarding the removal of taxi and minibus provision and replacing these with PTBs.
- 43 respondents (29%) considered that the proposal would negatively affect family health, relationships, and the ability of parents/carers to maintain employment.

#### Mainstream post-16, replace transport with travel grants

43. Respondents were also asked about the proposal to cease providing post-16 transport for eligible mainstream post-16 students but to provide a travel grant to assist with transport costs for those in isolated rural areas or on low income.

- The majority (59%) disagreed with the proposal to stop providing transport to post-16 education for eligible mainstream post-16 students.
- Just under a third (29%) agreed.

#### Rural isolation / low income - annual travel allowance

44. Respondents were then asked to what extent they agreed or disagreed with the proposal to offer an annual travel allowance of up to £150 for those who are rurally isolated or from a low income background.

- 42% agreed, and 42% disagreed. Most considered that students from low income families should receive a larger annual travel allowance (57%), whereas a quarter disagreed (26%).

## Ability to access education and training

45. Respondents were asked what would be the impact of the proposals on the ability of those affected to access education/training, whether there were any barriers to utilising a travel allowance, and if anything would help reduce any negative impact.
- 25 respondents (26%) considered that the monetary value of the PTB would be insufficient to cover travel costs. One in seven (15%) felt some children may not be able to attend school/college as a result of the proposal), and one in ten (11%) said families may not be able to transport the child to school/college, as result of the costs involved, their work commitments, or not having access to a vehicle.
  - Nearly a fifth of respondents (18%) suggested that the provision of transport for post-16 mainstream students should be decided on a case-by-case basis, based on family income or distance between their home and school/college. Nearly one in seven (13%) felt the suggested service cuts for vulnerable groups, such as families with SEN children or low income, should be stopped or reduced.

## General comments

46. A number of general comments were made in response to the consultation with several consistent themes observed across the seven open-comment questions. There were 107 respondents. Concerns were raised that:
- the potential implications of the proposals, in particular that families would not be able to afford the additional costs to transport their child to school/college, that their child needed to travel long distances to their school/college as a result of inadequate provision closer to home.
  - alternative funding streams, such as the proposed PTB, Disability Living Allowance (DLA), or Personal Independence Payment (PIP) would not be viable options as they would not cover the cost and/or the families were ineligible.
  - families would not be able to transport their child to school due to work commitments, not having access to a vehicle, or having to transport their other children to a different school.
  - the changes would place an additional burden on families already facing difficulties in everyday life. Several respondents voiced their concerns that the proposals would result in increased stress, poorer health, a diminished ability to work, and strained family relationships.
  - schools/colleges were for children's social and cognitive development, and the organised transport provision itself was a vital mainstay of children's education due to the social and experiential benefits for the child. It was suggested that some children would not be able to attend school/college to the detriment of their future prospects.
  - the proposals discriminated against vulnerable groups, such as families with SEN children or low income, and would result in greater inequality. Many respondents felt that services for these groups should be protected or prioritised, or savings found elsewhere.
  - the proposals would actually result in cost savings, as the poorer outcomes for the children and families would result in greater costs to the public system elsewhere, including social care, out-of-work benefits, and health services.

- Respondents also made a number of other suggestions, including: determining transport fees on a case-by-case basis, having all families contribute towards school/college travel costs to create greater equality, challenge central government to provide more funding, and supporting access to more local school/college provision.

47. A small number of positive comments were received in response to the open comment questions. It was commented that:

- alternative funding options were available for families to fund school transport
- the Council needed to make savings
- reductions in mainstream post-16 provision would be more acceptable as those pupils had more options than SEN pupils, regarding using public transport or finding employment;
- the PTB could be a viable option for families
- there would be an opportunity to tailor school transport to a child's needs.

#### Low income families

48. The consultation sought specific comments about the level of contribution for low income families. There were 223 respondents.

- Most felt similarly about SEN children in both nursery and post-16 settings; about six in ten said a full discount should be provided for these groups (58% and 60%), and a third of respondents felt a discount of between 25 and 70% would be acceptable (32% and 33%). Approximately one in twenty said they would accept no discount being provided to SEN children in nursery or post-16 settings (6% and 6%).
- There was more willingness to accept a reduced level of discount for post-16 mainstream students, with just under half (45%), suggesting the discount could be reduced to 25 to 70% , and one in seven (16%) said they would accept no discount being provided. Just over a third (35%) suggested the full discount should be provided.

### **Environment and Transport Overview and Scrutiny Committee**

49. The OSC considered the matter at its meeting on 22 November 2017 and an extract from the minutes is given below:

#### Option 1 – Saving £146,000

This proposal would remove the 100% discount from low income families for non-compulsory school age children travelling to SEN nurseries and post-16 mainstream and SEN.

The consultation was seeking views on the appropriate level of contribution which was currently, where there was no low income exemption, £660 per year. The Director further advised that practice varied across Councils with Sheffield offering no reduction, Essex offering a 50% reduction and Derbyshire offering a £20 reduction.

Whilst noting that this was a non-statutory service, members were concerned about the impact this would have on families and in particular those single parent families with siblings attending other schools. There was concern that the deletion of the subsidy

might deter parents from taking their children to nursery thereby further disadvantaging their development and opportunities.

With regard to post-16, given the distances that young people needed to travel to colleges, members were of the view that this would have a significant adverse impact on take-up of education provision.

In view of this, the majority of members were not supportive of the proposed changes.

#### Option 2 – Savings £773,000

This option would remove traditional forms of transport and introduce a Personal Transport Budget (PTB) for each eligible child.

The Director advised that a number of families had already chosen this option as it provided them with greater flexibility and at the same time reduced the cost of transport. The PTB varied from child to child and took account of mileage travelled, age, number of days attended and any particular circumstances. Whilst there were no restrictions placed on how the PTB was to be used, the Department would monitor attendance and liaise with the school if there was an issue.

Some members expressed concern about the proposal and whether there was sufficient capacity in the private sector transport providers to meet demand arising from the introductions of PTBs and whether some parents were able to manage the budget and buy-in the services needed.

A majority of the Committee was supportive of the proposal now put forward as it would provide greater flexibility and enable pupils to continue to access educational provision. Messrs Boulter, Bill and Hunt expressed reservations regarding this proposal.

#### Option 3 – Savings £27,000

To cease providing post 16 transport and provide a travel grant of up to £150 for those in isolated areas and on low income.

The majority of members on the Committee were not supportive of the proposals. Their concerns related to the removal of the transport provision and the lack of frequent and timely alternative public transport provision across the County which would impact adversely on attendance. There was also a concern that the administrative cost of managing the transport grant scheme would further erode the projected saving.

### **Proposed Mitigation**

50. During the consultation and subsequent discussions with the Leicestershire Equalities Group a number of potential barriers and negative impacts of the proposals were identified which would require mitigating. These are set out below -

<b>Potential Negative impact</b>	<b>Mitigation</b>
Affordability of travel costs for disadvantaged families.	1. Include an exception clause in the revised policy that applied on a case-by-case basis (this would result in a higher financial contribution or traditional transport being provided by the County Council).
Limited local availability of specialist provision results in longer journey time affecting some parents' ability to take their children to school due to other commitments (e.g. work).	2. Ensure that information regarding additional funding streams which might offset financial pressures is available and accessible to students and their parents/carers.
Families unable to transport the child to due to having no access to a vehicle (e.g. both parents or carers unable to use a vehicle due to a disability and/or parents/carers are without driving license).	3. Review customer facing information on website and associated leaflets, so that new process and expectations are set out in plain English.  4. Review the nursery and post-16 application forms in light of the changes, setting out clear information about the informal challenge and subsequent appeals process in forms and other literature.  5. Commence discussions with schools and colleges regarding the potential for them to develop their own travel schemes which students could purchase using their PTBs.
Proposals will lead to additional pressures on already stretched families, which could in extreme cases put children at risk of going into Local Authority care.	6. The County Council's Children and Family Services Department to develop robust escalation mechanism with schools should a student be deemed likely to enter care as a result of transport pressures – such instances could be fast-tracked for re-assessment and application of the exceptions policy.

51. The government operates a 16-19 bursary fund to help with transport costs for eligible students; applications are made through the education/training provider (the school or college). There are two types: a vulnerable student bursary and discretionary bursary, each having various criteria for support. A discretionary bursary is considered if there is a need for financial help but the student does not qualify for a vulnerable student bursary. The education or training provider decides how much financial support you would get and what it should be used for e.g. transport costs. The intention is that Post-16 students would apply to the Fund if they needed additional support with transport costs.

52. The recommendation to Cabinet, as a result of consultation responses, is to provide a reduced discount of 50% for children from low income backgrounds to mitigate the impacts identified in the consultation proposals and discussions with the Leicestershire Equalities Group.

### **Equality and Human Rights Implications**

53. The Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination and to promote equality of opportunity between different protected groups. The Council must take account of the requirements of disabled parents and children in the application of the SEN Transport Policy and Mainstream Home to School Transport Policy and to make reasonable adjustments where required by individual circumstances.
54. Any changes to the current SEN Transport Policy and the Mainstream Home to School Transport Policy will affect parents/guardians of children accessing discretionary education provision who are not of compulsory school age. There are provisions in the Statutory Guidance providing for low-income families of compulsory school age children which provide free school transport to the three nearest schools between 2 and 6 miles from home address with additional extended rights based on the parent's religion or belief.
55. The Equality and Human Rights Impact Assessment (EHRIA) has been informed by the consultation and is attached as Appendix C. The EHRIA has been scrutinised and informed by both the Council's Departmental Equalities Groups as well as the Leicestershire Equalities Challenge Group. The EHRIA noted a number of mitigating measures that would allow the introduction of these policy changes in para 54. A set of improvement actions from the EHRIA are:
- i. Include an exception clause in a revised policy that can be considered and applied on a case by case basis (exceptions clause would result in a higher financial contribution or traditional transport being provided by LCC)
  - ii. Information regarding additional funding streams which might offset financial pressures to be made available and accessible to students and their parents/carers
  - iii. Review customer facing information on website and associated leaflets, so that new process and expectations are set out in plain English
  - iv. Review the nursery and post 16 application forms in light of the changes, setting out clearly in forms and other literature what the informal challenge and subsequent appeals process is and what is entailed
  - v. Children and Family Services Department to develop robust escalation mechanism in place with schools should a student be deemed likely to enter care as a result of transport pressures – such instances would be fast tracked to the transport team for re-assessment and application of the exceptions policy
  - vi. Commence discussions with schools and colleges regarding the potential for schools to develop their own travel schemes which students could purchase using their personal travel budgets

56. A statement from the Leicestershire Equalities Challenge Group is attached as Appendix D. The Group recognises the challenging situation facing the Council and broadly supports the mitigation measures that have been put forward in order to enable the implementation of the proposals and that the policy could only work if it is implemented in a careful and humane way with adequate mitigations measures to accommodate people's different circumstances; this review process did not identify and specific reasons why the proposals could not be implemented with the appropriate mitigations suggested.

### **Summary/Conclusions**

57. At its meeting on 15<sup>th</sup> September 2017, the County Council's Cabinet agreed to go out to a full public consultation on proposed SEN and mainstream school transport policy changes. The consultation started on 25<sup>th</sup> September and lasted for 12 weeks.
58. These proposals do not affect children aged 5 to 16 years of age in statutory education.
59. The recommended policy changes taking account of consultation feedback is set out in paras 3 b) (i)-(iii).
60. Any proposals that are agreed would be implemented from September 2019. It is intended that the amended Policy will need to be published in early September 2018, to become effective from September 2019. Parents/pupils would be advised of transport eligibility decisions on PTBs and grants from March/April 2019 onwards.
61. The eligibility criteria for support with SEN school transport would not change instead the proposals would change what travel options are being offered to eligible students.
62. By necessity there will always be provision in any transport policy to deal with exceptional circumstances. Officers will need to consider and develop a general approach for these to allow for consistency of application.
63. It is clear from the consultation proposals that these changes are not welcomed but with the various mitigations detailed in paragraph 54 it is considered that these policy changes are deliverable and will reduce the costs of provision for discretionary home to school transport.

### **Appendices**

- Appendix A - Consultation proposals
- Appendix B - Consultation responses report
- Appendix C - Equalities and Human Rights Impact Assessment (EHRIA)
- Appendix D - LECG written response

## **Background Papers**

Environment and Transport Overview and Scrutiny Committee – minutes of the meeting on 22<sup>nd</sup> November 2017

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1044&MId=5168&Ver=4>

Cabinet report 15<sup>th</sup> September 2017 on Special Educational Needs and Mainstream Home to School Transport Policies – Approval to consult at agenda item 10:

Mainstream Home-School/College Transport Policy (May 2017)

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2017/6/28/Mainstream-Policy-2017-18.pdf>

Special Education Needs Home to School/College Transport Policy for the 2017/18 Academic Year

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2016/9/26/SEN-school-transport-policy2017-2018v1.1.pdf>

Transport policy statement for learners aged 16-18 in further education and continuing learners aged 19 and over

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2017/5/26/Post-16-Transport-Policy-Statement-For-Sep-2017-v1.pdf>

Post-16 transport to education and training (Department for Education – October 2017)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/652980/Post-16\\_Transport\\_Guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/652980/Post-16_Transport_Guidance.pdf)

Home to school travel and transport guidance (Department for Education – July 2014)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/575323/Home\\_to\\_school\\_travel\\_and\\_transport\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/575323/Home_to_school_travel_and_transport_guidance.pdf)

Participation of young people in education, employment or training (Department for Education – September 2016)

<https://www.gov.uk/government/publications/participation-of-young-people-education-employment-and-training>

Report to the Cabinet – July 2013 - Results of Consultation on Home to School Transport Policy and Proposed Changes to Policy and Charging

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=3857&Ver=4>

16-19 Bursary Fund

<https://www.gov.uk/1619-bursary-fund>