



HIGHWAYS AND TRANSPORT OVERVIEW AND SCRUTINY
COMMITTEE – 9 JUNE 2022

SPECIAL EDUCATIONAL NEEDS SCHOOL TRANSPORT SERVICE –
PROVISION BRIEFING

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

Purpose of Report

1. The purpose of this report is to provide the Committee with the current performance information regarding the Special Educational Needs (SEN) transport expenditure for the academic year 2021/22, including the drivers of 'spend' in this area, actions taken to suppress costs and future demands for the SEN service.

Policy Framework and Previous Decisions

2. In February 2022 the Medium Term Financial Strategy (MTFS) 2022/23 to 2025/26 was approved by the County Council.
3. Previously, in March 2018 the Cabinet approved the Home to School Transport policies, for both Mainstream and SEN students. The updated policies were published by the Council in September 2018 and were due to take effect from the start of the 2019/20 academic year.
4. Subsequently in September 2019, the Cabinet considered a report which detailed the implementation of the Council's Mainstream Home to School Transport Policy and SEN Transport Policy. In the meantime, the County Council was subject to a judicial review on the SEN policy for 16–18-year-olds. While the challenge was unsuccessful (with the Court of Appeal affirming the High Court's decision that the Council's approach on personalised budgets was lawful), it meant there was a delay in the full implementation of the Home to School Transport Policy, specifically the introduction of Personal Transport Budgets (PTBs), until the start of the 2021/22 academic year.
5. Leicestershire County Council's Strategic Plan 2022-2026 (approved by the County Council in May 2022) notes that there are two tiers of support for children with special educational needs (SEND): 'SEN Support' and 'Education, Health and Care Plan' (EHCP). It noted that demand for EHCPs for children with SEND has also increased significantly, leading to rising demand for specialist SEND provision.

Background

Strategic context

6. There are three key elements that drive SEN transport expenditure. These are:
- Demand/Growth - the number of pupils eligible for SEN transport assistance.
 - Pupil need - the increased complexity of the needs of pupils travelling.
 - Market forces and competition - fuel costs, inflation, wages etc.
7. Further information on these three elements is provided below.

Demand/Growth

8. There has been a national growth in EHCPs and SEN support, with a 38% increase over the last five years (10% in last year alone)¹.

Number of pupils with an EHC plan or SEN support, all schools, 2015/16 and 2020/21						
	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
EHC plans/Statements of SEN	236,806	242,184	253,679	271,165	294,758	325,618
SEN support	991,981	1,002,069	1,022,537	1,047,163	1,079,000	1,083,083
Headcount	8,559,540	8,669,080	8,735,098	8,819,289	8,890,345	8,911,887

Footnotes

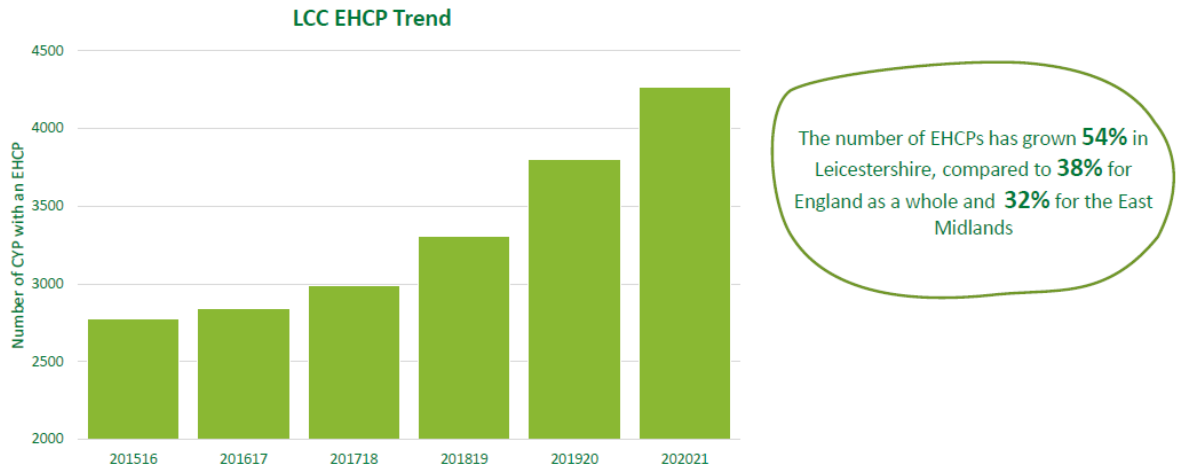
1. Totals include state-funded nursery, primary, secondary and special schools, non-maintained special schools, pupil referral units and independent schools

Source: School Census, School level annual school census and General hospital school census

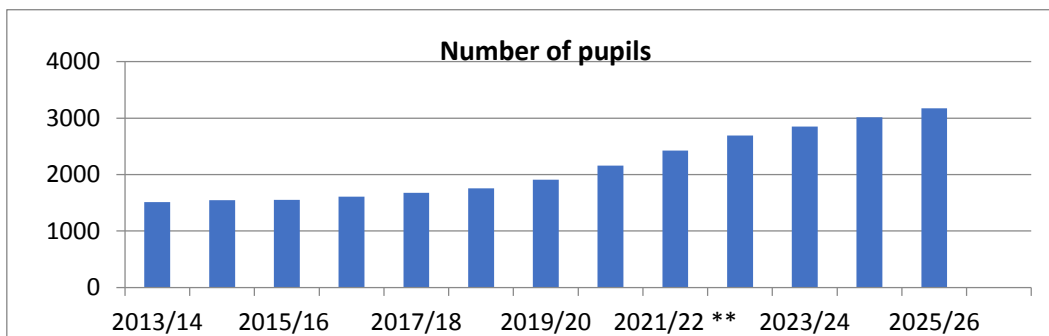
9. In Leicestershire there has been a growth in EHCP numbers of 54% over the past five years, which is significantly higher than the national average.
10. There has been a 25% increase in demand for SEN transport over the last two years, which is forecast to continue based on projection figures provided by the Children and Family Services.

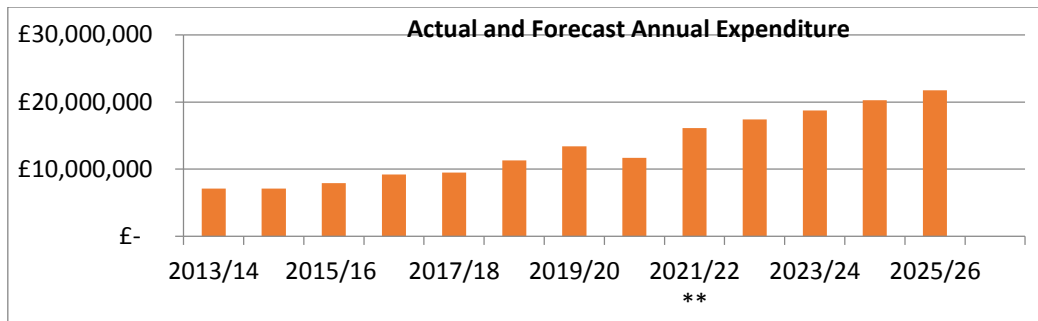
¹ Source Gov.uk - <https://explore-education-statistics.service.gov.uk/find-statistics/special-educational-needs-in-england>

EHCP numbers in Leicestershire have grown at a faster rate than the rest of the country



11. In 2013/14, the total number of pupils qualifying for transport assistance was 1,512, which has risen to 2,427 in 2021/22 and is predicted to rise to over 3,000 by 2025/26. The eligibility criteria have not changed significantly in this time.
12. Leicestershire’s cost per pupil in 2019/20 was 4% below the national average when compared to other local authorities.
13. Budget spend has increased in line with demand, with the exception of 2020/21 when Covid-19 resulted in a number of contract suspensions, which reduced contract payments.



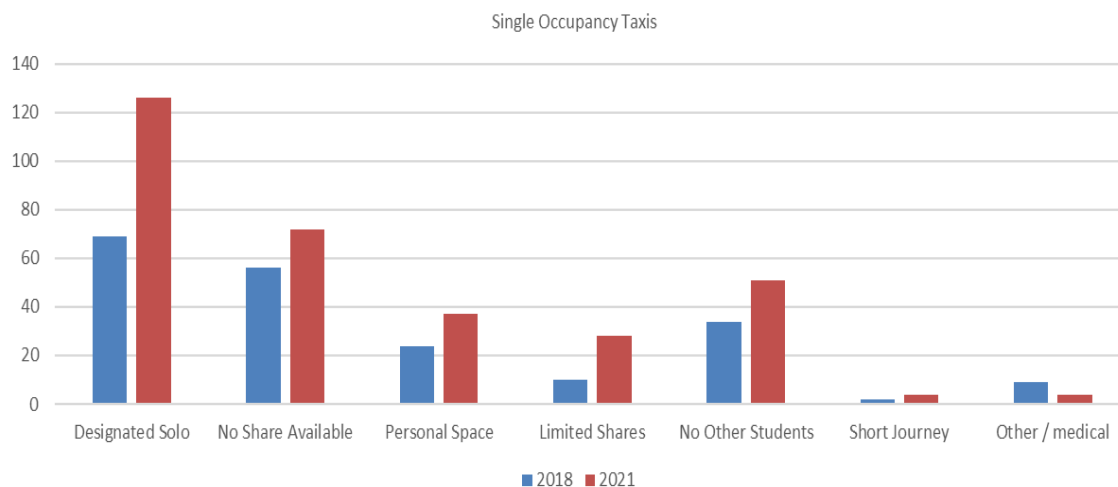


14. There is an evidenced growth over the recent years in the number of children gaining an EHCP by reason of an assessed Social, Emotional and Mental Health (SEMH) need, which includes children with diagnosed ADHD. For example, nationally this has increased from 39,189 to 45,191 between the 2019 and 2020 academic years (15% growth), which is mirrored in Leicestershire.

Pupil Need

15. An ongoing increase in pupils' needs has been observed for the past six years. Service user distance travelled (to nearest suitable provision) and transport requirement complexity has been growing in terms of pupil numbers and cost year on year. Every qualifying service user who receives traditional transport has their needs assessed to ensure that the transport provided is safe and suitable. In most cases a pupil will have needs that will have an impact on the cost of transport. These needs can include:
- a) Pupils that need to be transported solo due to their behaviours being a risk to other passengers.
 - b) Pupils that have no sharing option available due to logistics or contracts with available space.
 - c) Pupils that cannot sit near or next to other passengers and require additional space in the vehicle limiting the capacity available for other pupils.
 - d) Pupils that have restricted journey times due to their disability or medical needs.
 - e) Pupils that need to be transported by staff trained in a medical procedure(s). This includes procedures including administering rescue medication, oral suctioning, oxygen administration, EpiPen administration.
 - f) Pupils that require wheelchair accessible transport or other specialised vehicles.
 - g) Pupils attending Social, Emotional and Mental Health schools.
 - h) Pupils that are attending specialist out of county schools or schools that have no other or few other pupils attending.
16. The most cost-effective way of providing transport is to have as few contracted vehicles transporting as many pupils as possible at their maximum capacity.

The more pupils that require solo transport, the higher the vehicle and staff costs required.



17. The figures show that from December 2018 to December 2021 there were:

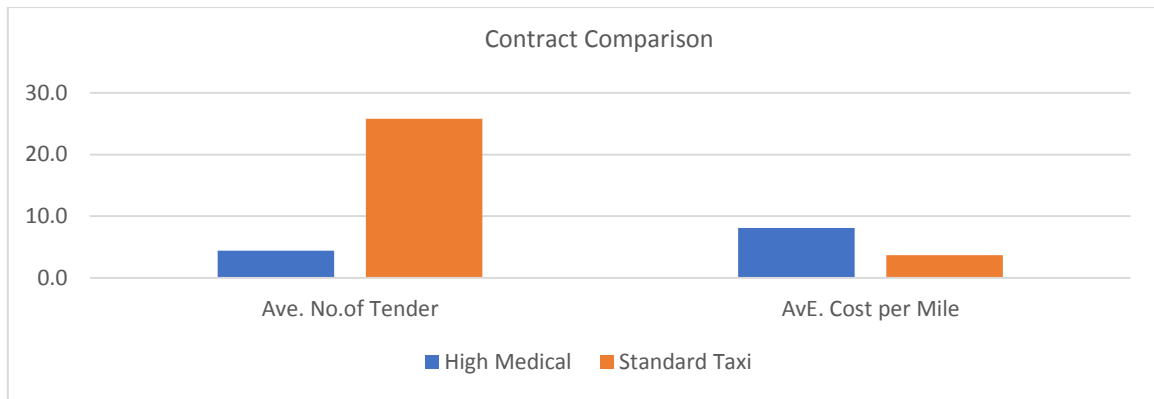
- An additional 57 pupils designated as requiring solo transport (up by 83%).
- An additional 16 pupils with no sharing option available (up by 29%).
- An additional 18 pupils with limited sharing options (up by 180%).
- An additional 17 pupils being the only student at the school (up by 50%).
- An additional 13 pupils designated as requiring personal space (up by 54%).

18. As a consequence of the above:

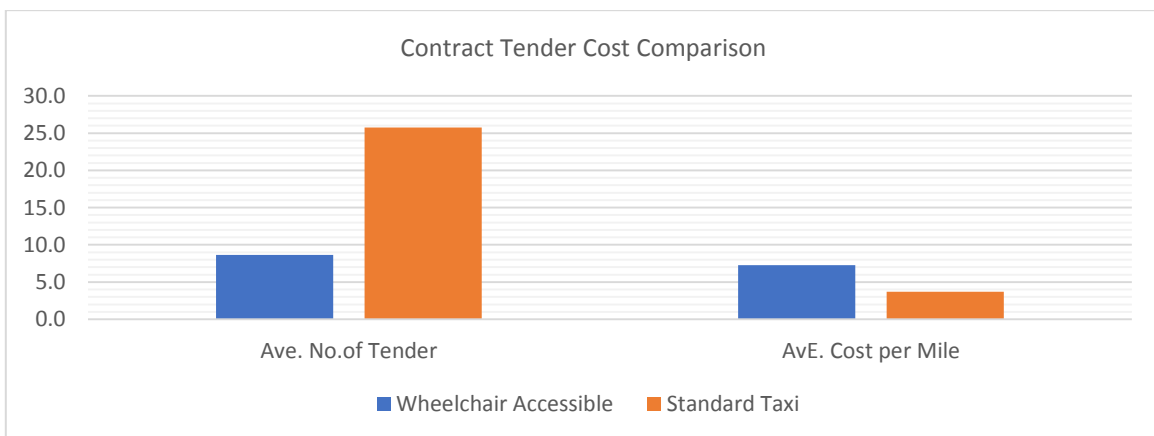
- Overall, there was an increase of 124 single occupancy taxis (up by 43%).
- Total number of pupils transported by taxi increased by 143 (up by 13%).
- Therefore, not only is there an increase in the number of pupils eligible for transport, the needs of those pupils are also increasing requiring more contracted vehicles to accommodate these needs.

19. Pupils that have a medical need that requires transport staff to be specially trained will restrict the number of available transport providers tendering, so tendered contract prices are higher and include an element of cost for this level of staff provision.

20. The average cost per mile for tenders received for 'High Medical' contracts is 131% more expensive than those for a standard contract. There are currently 36 pupils designated 'High Medical' that presently receive transport in Leicestershire.



21. The same applies for pupils that require wheelchair accessible transport or other specialised vehicles, as these type of wheelchair friendly vehicles are limited and therefore prices increase as demand rises and these resources are no longer readily available as the taxi market appears to have contracted since Covid-19 pandemic.
22. The average cost per mile for tenders received for wheelchair accessible vehicles is usually twice that of a standard taxi. On average, wheelchair accessible tenders are 95% more expensive than those for a standard vehicle.

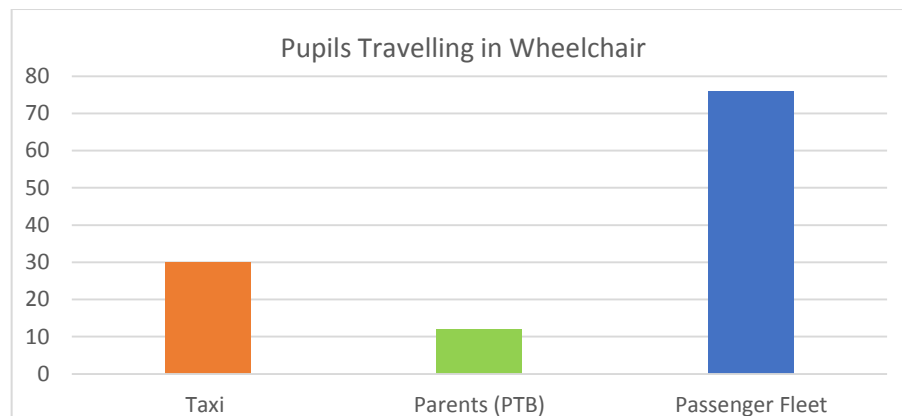


Market Forces and Competition

23. Over the past six months fuel prices have increased by 25%. The fuel element of the contract price is generally around 10% to 12%.
24. In addition, the Covid-19 pandemic has impacted on the taxi market, with operators reporting a shortage of drivers and escorts and cost of living rises resulting in wage rises of around 10%.
25. This has resulted in a large number of operators giving notice on contracts tendered prior to and since the start of the school year (September 2021). In total, 248 contracts have been handed back as “no longer financially viable” by operators, all of which have had to be retendered, resulting in an increased workload on the service.

Positive action

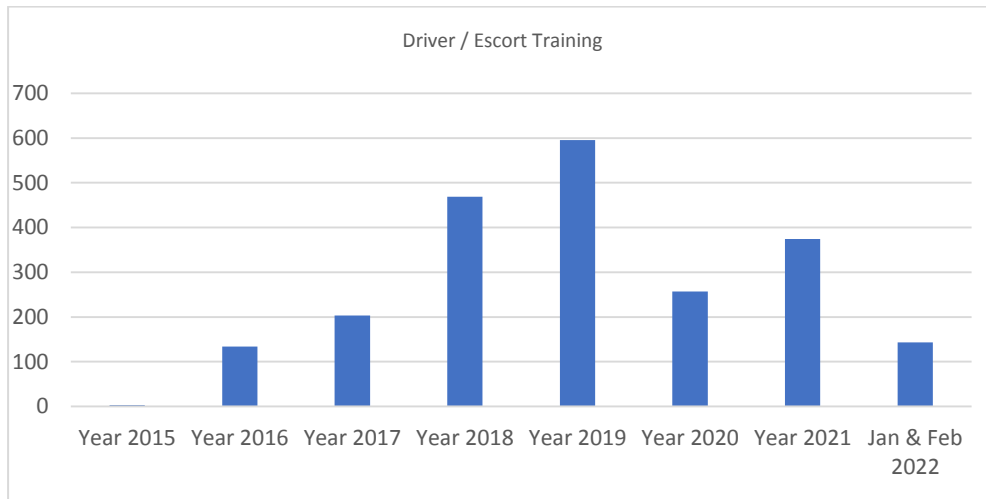
26. Leicestershire County Council has taken positive action to manage expenditure, including:
- Annual transport reviews and retendering;
 - Transport optimisation software;
 - Targeted utilisation of internal fleet services;
 - Increased training provision for internal and external operating staff; and
 - Post-16 PTB policy.
27. Further information on these positive actions is provided below.
28. Each year the transport provision for every child is reviewed. This is undertaken school by school, ensuring that the new transport arrangements for the forthcoming year are the most efficient provision, accounting for school leavers and new pupils. However, this annual review often leads to a change in the transport provider for a number of pupils, which can generate concern from parents and schools and increase complaints.
29. As part of the annual review, the cost of contracting wheelchair accessible and High Medical needs contracts from the external market are also reviewed. Those pupils that require this type of transport provision are allocated onto the internal fleet services where possible. In many instances several pupils with these needs can be accommodated traveling together on one fleet minibus, rather than having to travel on separate taxis at a high individual cost.



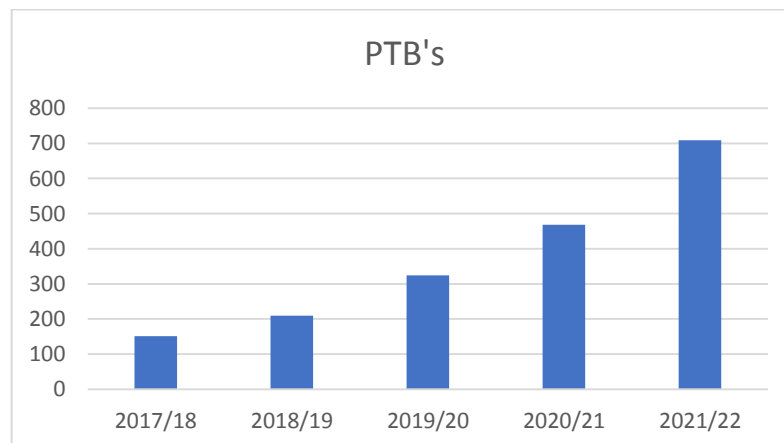
30. This also helps the taxi market from becoming saturated leading to higher prices when a pupil is unable to be accommodated on the internal fleet services. Whilst efficiency in numbers is beneficial, it is just as important to ensure that high-cost external taxi arrangements are avoided where possible.
31. Over the past six years, the Council's training programme for internal and external operations staff has been significantly increased and broadened to include training for more medical requirements. Courses now include medical administration training for oxygen administration, oral suctioning, applying

rescue medication, EpiPen, diabetes, vagal nerve stimulation along with paediatric first aid, epilepsy awareness, autism awareness, safeguarding and general service specific training. This has helped skill the market to promote competition for contracts that require specifically trained staff.

32. Whilst the Covid-19 lockdown prevented a number of training courses, key training events took place when possible.

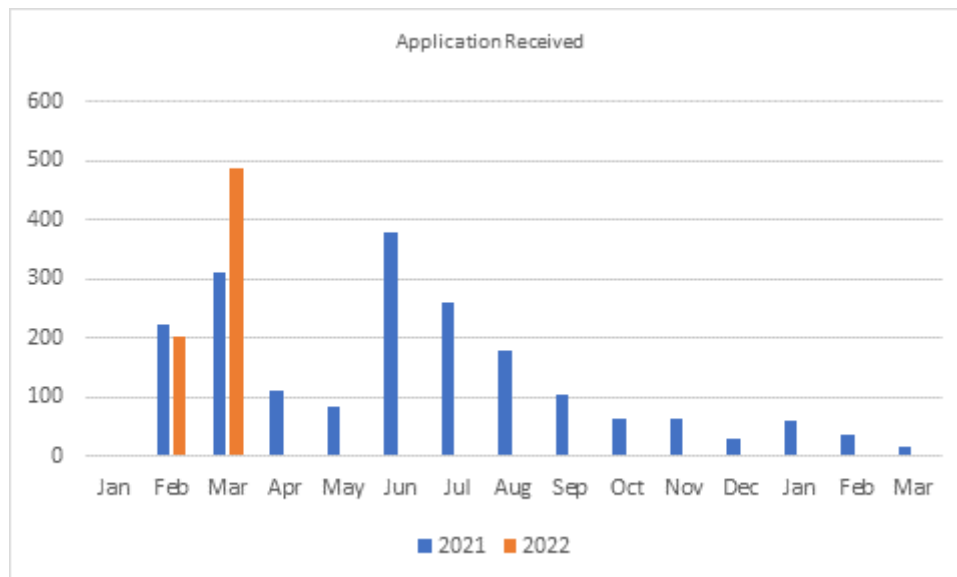


33. Whilst the introduction of the statutory PTB policy for 16-18-year-old students was challenging and resulted in over 200 appeals, the end result saw approximately 241 new PTB arrangements replacing traditional transport arrangements for 2021/22. A large number of these were for further education college SEN students, attending on average three days a week.



34. The net result was a reduction in transport expenditure of an estimated £650,000 in 2021/22 and a full year reduction was £900,000.
35. To ensure transport provision for a new academic year we require the application to be submitted by the 15 April 2022 for students aged 16-19 years and all other students/children, the closing date for applications is 1 July 2022 with agreed EHCP in the system by 31 March 2022. In 2021, the applications process and planning of transport was severely affected by a delay in securing

school placements and completing EHCPs. This effectively meant that around 800 applications were received late between June and August, preventing timely tender process for securing transport provision, which resulted in late transport provision for many children at the start of the academic year. There were also around 200 applications received after the start of the academic year. Early indications suggest that we may see a similar trend this year.



Financial context

36. The County Council continues to operate in an extremely challenging financial environment, the ongoing impact of Covid-19 only serving to exacerbate pre-pandemic issues arising from spending pressures that it faces, compounded by being the lowest Government funded shire authority in England.
37. The MTFs 2022-26 as approved in February sets out the Council's response to the financial position and sets out in detail £40.0m of savings and proposed reviews that will identify further savings to offset the £39.5m funding gap in 2025/26. This is a challenging task, especially given that savings of £230m have already been delivered over the last 12 years.
38. In addition, over the period of the MTFs, growth of £87.9m is required to meet demand and service pressures, with £35.5m required in 2022/23. In such circumstances, the County Council, as the Local Transport Authority for the area, is under significant challenge to maintain its services.
39. Covid-19 has had a significant impact on service delivery and costs since March 2020. Additional work has been required to reassess pupils needs in relation to Covid-19 risks, make alternative transport arrangements in some cases, introduce risk management measures on transport services, monitor cancellations and contract suspensions and increased communication with parents, schools, operators and other stakeholders.

40. Government funding was provided to cover additional transport provision up until July 2021. In addition, the Council reduced contract payments for school transport during lockdowns to 25%, and in-year suspensions to 90%, which resulted in an underspend in 2020/21 and contributed to reducing costs in 2021/22. However, SEN transport costs of £15.9m in 2021/22 are forecast to rise to over £20m in 2025/26 with housing, and economic growth around the County is likely to put further pressure on the County Council's SEN provision therefore work will continue to ensure efficient service delivery and cost minimisation where possible.

Resource Implications

41. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

Conclusions

42. SEN transport has seen significant growth over the last few years. With this growth forecast to continue, and in light of the Council's overall financial situation, work within the Environment and Transport Department and in collaboration with Children and Family Services will continue in order to manage demand and drive efficiencies across this service area. Members are asked to note the content of this report.

Background Papers

Report to the County Council - 18 May 2022 - Leicestershire County Council's Strategic Plan 2022-2026

<http://cexmodgov1.ad.leics.gov.uk:9075/ieListDocuments.aspx?CId=134&MId=6482&Ver=4> (item 8a)

Report to the County Council on 23 February 2022 - Medium Term Financial Strategy 2022/23 -2025/26

<http://cexmodgov1.ad.leics.gov.uk:9075/ieListDocuments.aspx?CId=134&MId=6481&Ver=4> (item 47a)

Report to the Cabinet 13 September 2019 – Mainstream and Special Educational Needs Home to School Transport Policies – Outcome of Judicial Review

<http://cexmodgov1.ad.leics.gov.uk:9075/ieListDocuments.aspx?CId=135&MId=5605&Ver=4> (item 310)

Report to the Cabinet 9 March 2018 – Mainstream and Special Educational Needs Home to School Transport Policy

<http://cexmodgov1.ad.leics.gov.uk:9075/ieListDocuments.aspx?CId=135&MID=5178> (item 112)

Report to the Cabinet 15 September 2017 – Special Educational Needs and Mainstream Home to School Transport Policies – Approval to Consult

<http://cexmodgov1.ad.leics.gov.uk:9075/ieListDocuments.aspx?CId=135&MID=4863> (item 28)

Circulation under the Local Issues Alert Procedure

43. None.

Equality and Human Rights Implications

44. There are no equality or human rights implications arising directly from the recommendations in this report.

45. Equality and Human Rights Impact Assessments will be carried out in relation to work undertaken on individual projects when appropriate.

Environmental Implications

46. No detailed environmental assessment has been undertaken on the SEN. However, the County Council assesses the environmental implications of relevant new policies and schemes at appropriate points during their development.

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