

Decision Maker: EDUCATION PORTFOLIO HOLDER

**For pre-decision scrutiny by the Education Policy
Development and Scrutiny Committee**

Date: Tuesday 30 September 2014

Decision Type: Non-Urgent Executive Non-Key

Title: SPECIAL EDUCATIONAL NEEDS TRANSPORT STRATEGY

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Chief Officer: Executive Director of Education, Care & Health Services

Ward: (All Wards);

1. Reason for report

- 1.1 The changing landscape and reforms in Education and Special Education, together with the introduction of Education Health & Care Plans (EHC), necessitate a review of the Council's Transport Assistance Policy for Children & Young people, and service delivery to ensure they are fit for purpose.
- 1.2 To present recommendations relating to the following transport options:
- Implementation of muster points
 - Adoption of personal budgets

For consideration by the Portfolio Holder as part of Bromley's Special Educational Needs (SEN) transport strategy and inclusion within the draft revised SEN transport policy.

- 1.3 The revised SEN transport assistance policy requires Portfolio Holder approval to proceed to the consultation stage and implementation (subject to consultation).
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2. **RECOMMENDATION(S)**

The Portfolio Holder is requested to:

- 2.1 **Note the information relating to SEN reforms, the introduction of Education, Health and Care Plans and the impact upon the provision of SEN transport;**

2.2 Consider the contents of the business case and in alignment with its recommendations, agree:

- **the introduction of muster points into Bromley should not be progressed at this time**
- **the offer of personal budgets to all parents of children who are in receipt of sole transport and, in a very limited number of cases, where the offer of personal budgets to individual parents is in the interests of both the Council and the parent, should be progressed**
- **the mileage rate offer should be increased to 50 pence per mile**

2.3 Agree that the revised draft SEN Transport Policy be progressed to the consultation stage with SEN stakeholders, with a view to enabling its introduction with effect from the start of the new academic year - September 2015.

Corporate Policy

1. Policy Status: New Policy: Children's & family Act 2014 , The SEN Reforms
 2. BBB Priority: Children and Young People Supporting Independence:
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Financial

1. Cost of proposal: Not Applicable: if recommendations agreed
 2. Ongoing costs: Not Applicable: if recommendations agreed
 3. Budget head/performance centre: 136 586 (SEN Transport) , and 136 587 (SEN Transport schools budget)
 4. Total current budget for this head: 136 586 £3,580,820 and 136 587 £330,000.
 5. Source of funding: 136586, RSG, 136587 DSG
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Staff

1. Number of staff (current and additional): No Additional - if recommendations agreed
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Applicable:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): SEN, 751 planned service users as at the start of September 2014
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 Bromley Council has a statutory duty to ensure suitable travel arrangements for eligible children and young people to access their education or special education provision.
- 3.2 The budget for Special Education Needs (SEN) transport assistance service stands at £3.9 M. The Council is seeking opportunities to increase independence, reduce reliance upon Council funded transport assistance services and reduce expenditure.
- 3.3 The policy review reflects the spirit of the Government's SEN reforms and the Building a Better Bromley priorities, where supporting independence and providing choice and control are central to the new vision.
- 3.4 The introduction of Education, Health & Care (EHC) plans, together with the planned transport service procurement exercise and the recommendations relating to new transport offers provide an opportunity to revise the Transport Assistance Policy for children and young people.
- 3.5 A holistic and coordinated approach is to be taken in assessing transport assistance needs during the EHC planning process for the individual. This will provide a seamless service to parents and families and ensure services are aligned and regularly reviewed to achieve outcomes that provide optimum opportunities for the individual.
- 3.6 The policy review has been undertaken with reference to the guidance set out in:
- The DfE new home to school travel and transport guidance (July 2014)
 - The DfE Post -16 transport to education and training statutory guidance for local authorities (February 2014)
 - The Special educational needs and disability code of practice 0 – 25 years, DfE (June 2004)

4. PROPOSALS

- 4.1 The revised policy is attached within the 'Background Documents' section and provides a wider menu of transport assistance service offers to meet individual assessed needs, whilst meeting the Council's statutory duties and wider objectives.
- 4.2 Key changes relate to :
- Clarity of the eligibility criteria, transport assistance offers and availability
 - Reinforcement of the Council's support to develop independent living skills through travel training and use of public transport
 - The introduction of a wider menu of offers and expanding the offer of personal budgets (in effect replacing reimbursement of parental mileage)
 - Introduction of discretionary transport assistance on an exceptional basis only for attendance at annual reviews
 - Withdrawal of transport assistance for pupils in 52 week provision

- Requirement for parents or carers to undertake the role of escort for sole pupils attending a provision
- Limited Council provided transport for pupils in residential provision
- The potential to introduce muster points
- A revised formal appeal process in accordance with the latest statutory guidelines

4.3 PERSONAL BUDGETS & MUSTER POINTS

- 4.3.1 Following a successful Invest to Save bid in 2013, the service already offers a travel training programme and, subject to continued success, Executive have committed further funding for a period of 3 years to continue this programme.
- 4.3.2 Fundamental to the SEN reforms is personalisation with the legal right of parents to request a personal budget where pupils have an approved Education Care & Health Plan. Whilst there is no statutory duty to include transport assistance in the plan, it is considered good practice to offer personal budgets for transport assistance where this achieves value for money.
- 4.3.3 Another new initiative and pre cursor to travel training is the potential to introduce muster points and reduce door to door collections of pupils. Case law allows the Council to introduce this initiative. For those pupils that are assessed as being able to participate in this initiative, it will provide a similar travel to school experience as their non - SEN peers who travel by public transport. Muster points have been introduced by a number of Councils with varying degrees of success.
- 4.3.4 Business cases have been prepared (attached within the 'Background Documents' section) to assess the potential introduction of muster points and personal budgets and to determine: their financial viability, feasibility and the associated risks for pupils and the Council. Recommendations, relating to their potential implementation, have been made in consideration of the business case findings.

4.4 In line with the business cases it is proposed that:

- the introduction of muster points should not be progressed at this time
- the offer of personal budgets to all parents of children who are in receipt of sole transport and, in a very limited number of cases, where the offer of personal budgets to individual parents is in the interests of both the Council and the parent should be progressed
- the mileage rate offer should be increased to 50 pence per mile

- 4.4.1 It is also proposed that the revised draft SEN Transport Policy be progressed to the consultation stage with SEN stakeholders with a view to enabling its introduction with effect from the start of the new academic year - September 2015.

5. POLICY IMPLICATIONS

- 5.1 In accordance with the Council's commitment to Building a Better Bromley to supporting people to live as independently as possible within the community, the proposals reflect the Council's strategic objectives for people with disabilities.
- 5.2 The recommendations, resulting from the business cases have been incorporated into the revised SEN Transport policy.

- 5.3 In accordance with DfE best practice guidelines and subject to PDS agreement, it is proposed that stakeholder consultation should be undertaken during the winter term of the 2014 - 15 academic year with the with a view to enabling the introduction of the new policy with effect from the start of the new academic year September 2015.

6 FINANCIAL IMPLICATIONS

- 6.1 The Council is currently budgeted to spend approximately £3,910,820 on SEN Transport. This is split between £3,580,820 RSG and £330,000 DSG.
- 6.2 There has been an emphasis upon reducing SEN transport costs for many years and this has included: robust route planning, best practice procurement methods and more recently, the successful introduction of travel training to enable pupils with statements to be taught to travel independently on public transport. Members and officers have been keen to explore other options that could result in reduced costs and the attached business cases have focussed upon:
- The implementation of muster points
 - The wider offer of personal budgets to enable parents to transport their children to school
- 6.3 The following table is extracted from the attached business case. It details the projected savings that would result from the adoption of muster points in Bromley.

	£	£
Potential maximum savings using muster points for In borough routes		108,000
Potential maximum savings using muster points for out borough routes		16,000
Possible Gross Savings		124,000
Less:		
20% reduction for pupils who turn out not to be eligible following detailed assessment / appeals won by parents	24,800	
Lost economies of scale (contract impact lower route mileage)	8,000	
Health & Safety Officer (risk assessments) / Qualified Assessor	35,000	
Additional seasonal staff member during spring / summer planning (BR10)	11,500	
Total Costs		(79,300)
Possible Net Savings		44,700

The net projected savings amount to £44,700 per annum or 1.1% of the total budget. The Portfolio Holder is requested to note that the implementation of muster points into Bromley is not recommended due to the associated risks and impact upon other factors that are detailed within the business case. The recommendation to progress with their introduction would have been positive if the projected cost savings had been higher.

- 6.4 The wider offer of personal budgets to incentivise parents to transport their children to school has been considered within the attached business case. For reasons explained within the business case, the following projected savings have been calculated on the basis of offering personal budgets predominantly to the parents of children who are sole occupants in transport.

Routes	Single Occupancy – Current Cost pa.	Cost if parents accepted personal budget at 50p per mile	Savings if 100% of parents took up offer of personal budgets	Savings if 13% took up offer of personal budgets
Out of Borough	£325,318	£98,134	£227,184	£29,534
In Borough	£285,942	£58,992	£226,950	£29,503
Combined	£611,260	£157,126	£454,134	£59,037

The table above is based upon an increased mileage rate of 50 pence (a higher rate than the existing 42.9 pence per mile) as liaison with other councils has suggested that this has incentivised parents to take up the offer. The figures relating to a 13% take up reflect the average level of take up experienced by other local authorities when the offer of personal budgets was made. The recommendation resulting from the business case is that the Council should progress the offer of personal budgets to this limited group of parents.

- 6.5 If the Portfolio Holder were to agree the recommendations to implement personal budgets to a selected group of parents only at the increased mileage rate of 50 pence per mile, it is projected that savings of approximately £59,000 per annum could be achieved without increased headcount or a high level of risk.

7. LEGAL IMPLICATIONS

- Sections 508B, 508C, 508D, 509AD and schedule 35B of the Education Act 1996 (The Act), which were inserted by part 6 of the Education and Inspections Act 2006 (EIA 2006)
- Regulation 5 and part 2 schedule to 2 to The School Information (England) Regulations 2008
- Section 508B of the Act sets out the general duties placed on local authorities to make such school travel arrangements as they consider necessary for 'eligible children' within their area, to facilitate their attendance at the relevant educational establishment. Such arrangements must be provided free of charge.
- section 508C of the Act provides local authorities with discretionary powers to make school travel arrangements for other children not covered by section 508B but the transport does not have to be free
- section 508D of the Act places a duty on the Secretary of State to issue guidance to which local authorities have to have regard to in performance of their functions under section 508B (travel arrangements for 'eligible children') and 508C (travel arrangements for other children). The Secretary of State may revise this guidance from time to time.
- parents are responsible for ensuring their child's regular attendance at school and local authorities are under a duty to provide home to school transport, where necessary, to enable them to enforce attendance

- section 444 of the Education Act 1996 states that the child shall not be taken to have failed to attend regularly at the school if the parent proves that the local authority fails to make appropriate transport arrangements under section 508

8. PERSONNEL IMPLICATIONS

8.1 None if recommendations accepted.

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	<p>Special Education Needs reforms & EHC plans : https://www.gov.uk/government/news/special-educational-needs-reform-draft-legislation-published</p> <p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/306534/Implementing_a_new_0_to_25_special_needs_system_LAs_and_partners_-_April_2014.pdf</p> <p>https://www.gov.uk/government/news/special-educational-needs-and-disabilities-green-paper-20-pathfinders-to-test-proposals</p> <p>Special educational needs and disability code of practice: 0 – 25 years DfE & DoH (June 2004) www.gov.uk/government/consultations Reference: DFE-00205-2013</p> <p>Home to school travel and transport guidance; DfE July 2014 www.gov.uk/government/publications Reference: DFE-00501-2014</p> <p>Post – 16 transport to education and training statutory guidance for local authorities , Feb 2014, DfE, www.gov.uk/government/publications Reference: DFE- 00025-2014</p>