

**Decision Maker:** EDUCATION PORTFOLIO HOLDER

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

**Date:** Tuesday 27 January 2015

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** SEN TRANSPORT - ALTERNATIVE OPTIONS

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

**Ward:** All Wards;

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1. Reason for report

- 1.1 To provide an update to Members' request to consider alternative options for the delivery of statutory duties in the provision of Special Education Needs (SEN) Transport. The report proposes to pilot the implementation of muster point collections for pupils in one or two special schools.

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2. **RECOMMENDATION(S)**

2.1 The Education PDS committee are asked to comment on the contents of this report.

2.2 The Education Portfolio Holder is asked to agree:

- i) To pilot the implementation of muster point collections as detailed within the report; and,
- ii) To a maximum of £16,000 expenditure from the SEN Transport budget in support of trialling the above.

## Corporate Policy

1. Policy Status: Draft revised SEN Transport policy – under consultation
  2. BBB Priority: Children and Young People Supporting Independence:
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## Financial

1. Cost of proposal: Estimated Cost:£16,000
  2. Ongoing costs: To be established from pilot results:
  3. Budget head/performance centre: Education Travel Grant: SEN Transport : 136586, and 136587 (SEN Transport Schools budget)
  4. Total current budget for this head: £ SEN 136586 £3,580,820. and 136587, £330,000.
  5. Source of funding: 136586, RSG, 136587 DSG
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## Staff

1. Number of staff (current and additional): Temporary staff resource during pilot
  2. If from existing staff resources, number of staff hours: N/A
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## Legal

1. Legal Requirement: Statutory Requirement to provide transport for eligible children Council has discretion in how it fulfils its duty
  2. Call-in: Applicable:
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## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): SEN, 800+ service users listed on database
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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 provide transport assistance to eligible children and young people to access their education or special education provision.
- 3.2 The budget for the SEN transport assistance service is £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 strategy for the policy and service review reflects the spirit of the Government's SEN reforms and the Building a Better Bromley priorities, where supporting independence and offering choice and control are central to the new vision.
- 3.4 Following report ED15085 dated 30<sup>th</sup> September 2014, Members gave agreement to progress the revised draft SEN Transport Assistance policy to public consultation. Subject to final Member approval, it is expected the revised policy will be implemented with effect from September 2015. The revised policy provides a menu of transport assistance offers to meet individual assessed needs, whilst meeting the Council's statutory duties and wider objectives. It was agreed that personal budgets be offered to 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 parents.

### 4. Further proposals

- 4.1 Following consideration of the report in September, Members requested that further consideration be given to:
- trialling a muster point collection service with a view to establishing whether there is a robust business case for a borough wide roll out; and
  - officers exploring how greater involvement and engagement of parents and carers could be achieved in supporting their child's transport needs through options for volunteering and car sharing.

### 5. Muster Points

- 5.1 The introduction of muster points would result in the reduction of door to door collections for pupils. For pupils that are able to participate in this initiative, it would 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 and as yet the business case for a borough wide rollout has not yet been proven.
- 5.2 Within Bromley, it is proposed that pupils will be picked up and dropped off from muster points that are a maximum of 2 miles from the family home.
- 5.3 The Council will undertake risk assessments to enable the introduction of muster points in accordance with statutory requirements and providing these are met, muster points would constitute the Council's offer of transport assistance.
- 5.4 Parents and schools will be required to work in partnership to provide appropriate guidance to pupils to gain the necessary 'pedestrian and independence skills' to ensure their safety whilst waiting for the arrival of the transport vehicle either on their own or when accompanied by a person nominated by the family.

5.5 Subject to Member agreement, officers will identify suitable areas / routes for the trial to be implemented from the summer term of the current academic year and to operate for a period of one year. It is expected that the trial will focus upon 1 or 2 special schools and officers will consult with relevant stakeholders to identify which schools.

5.6 The results from the trial will be used to inform the business case to establish whether there would be benefits in rolling out the initiative borough wide from September 2016.

## 6. Community Volunteering / Car Sharing

6.1 Parents have advised that one of the reasons for being unable to accept personal budgets to transport their SEN child (who is statutorily eligible for funded transport) is because they have caring responsibilities for non SEN children to access their mainstream education at the same time.

6.2 Facilitating options to enable parents to car share / share the travel to and from SEN and mainstream schools would potentially enable some parents with SEN children, and those without, to overcome some of the challenges of transporting children to different schools to arrive at the same time.

6.3 Trials of car sharing have been funded in Bromley's schools by Environmental Services but were discontinued due to the poor take up by schools and parents. Officers will continue to seek options on how this initiative could be successfully adopted in Bromley's schools and a further report will be presented to Members in due course.

## 7. Communications and engagement

7.1 The introduction of these options will be perceived as a major change for parents and schools. Effective communication with stakeholders about the benefits will be key to their successful implementation.

## **8.0 POLICY IMPLICATIONS**

8.1 In accordance with the Council's commitment to Building a Better Bromley by supporting vulnerable people to live as independently as possible within the community, the proposals reflect the Council's strategic objectives for residents to be resilient and self-reliant.

## **9.0 FINANCIAL IMPLICATIONS**

9.1 Additional resource will be necessary to support the initiation and evaluation of the muster point collection initiative. The cost is expected to be in the region of £14,000 - £16,000 for the required resource to:

- i. Undertake detailed analysis of children's suitability for muster points in consideration of legislation
- ii. Determine suitability of routes and collection points in consideration of legislation
- iii. Liaise with parents and children to implement the arrangements
- iv. Re-route vehicles as necessary

9.2 It is proposed that temporary staff be employed to assist commissioners to Implement the pilot. The cost of the temporary resource is estimated to be a maximum of £12,000. It is proposed to determine the suitability of route and collection points (point ii) by contracting with Bromley's travel training provider (Bexley Accessible Transport (BAT)) subject to Member agreement. It is

estimated that, subject to the work involved for the pilot and negotiation with BAT, a cost of £2,000 - £4,000 should be set aside.

9.3 The previous Education PDS report (ED15085) provided estimated savings using a paper based model. It is proposed to use actual data to calculate the potential costs and benefits following completion of the muster point trial.

9.4 The minimal investment of £16,000 will enable trials to be undertaken and substantiate any savings that could be achieved in the future.

## 10. 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 assistance 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

<b>Non-Applicable Sections:</b>	Personnel Implications
Background Documents: (Access via Contact Officer)	<p>Previous report submitted to Education PDS 30 September 2014 (ED15085): <a href="http://cds.bromley.gov.uk/documents/s50023731/Special%20Educational%20Needs%20Transport%20StrategyPART%201%20REPORT%20TEMPLATE.pdf">http://cds.bromley.gov.uk/documents/s50023731/Special%20Educational%20Needs%20Transport%20StrategyPART%201%20REPORT%20TEMPLATE.pdf</a></p> <p>Special Education Needs reforms &amp; EHC plans : <a href="https://www.gov.uk/government/news/special-educational-needs-reform-draft-legislation-published">https://www.gov.uk/government/news/special-educational-needs-reform-draft-legislation-published</a></p> <p><a href="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">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</a></p> <p><a href="https://www.gov.uk/government/news/special-educational-needs-and-disabilities-green">https://www.gov.uk/government/news/special-educational-needs-and-disabilities-green</a></p> <p>-paper-20-pathfinders-to-test-proposals</p> <p>The Draft special educational needs and disability code of practice: 0 – 25 years</p>

	<p>DfE &amp; DoH (April 2004) <a href="http://www.gov.uk/government/consultations">www.gov.uk/government/consultations</a> Reference: DFE-00205-2013 New home to school travel and transport guidance consultation, Ended 3/6/2014 DfE <a href="http://www.education.gov.uk/consultations">www.education.gov.uk/consultations</a> Post – 16 transport to education and training Statutory guidance for local authorities , Feb 2014, DfE, <a href="http://www.gov.uk/government/publications">www.gov.uk/government/publications</a> Reference: DFE- 00025-2014</p>
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