

Decision Maker: **Children and Young People
Policy Development and Scrutiny Committee**

Date: **22 February 2011**

Decision Type: Non-Urgent Executive Key

**TITLE: SEN TRANSPORT POLICY – CONSULTATION WITH CYP PDS
COMMITTEE MEMBERS**

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Chief Officer: Gillian Pearson, Director of Children and Young People Services

Ward: Boroughwide

1. Reason for report

- 1.1 To seek the views of the Children and Young People PDS Committee on the proposed changes to the SEN Transport Policy as part of the consultation.

2. **RECOMMENDATION(S)**

- 2.1 **The Children and Young People PDS Committee is asked to comment on the outline proposals for a policy changes.**

Corporate Policy

1. Policy Status: Existing policy: The Service operates a transport policy which has been in operation since 2002.
 2. BBB Priority: Children and Young People
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Financial

1. Cost of proposal: Estimated cost SEN Transport budget: £3.6m
 2. Ongoing costs: Recurring cost
 3. Budget head/performance centre: SEN Transport, Access & Inclusion
 4. Total current budget for this head: £3.6m
 5. Source of funding: Council Tax. Some transitional grant funding has been received in 2010/11 following the demise of the LSC.
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Staff

1. Number of staff (current and additional) – 3.8
 2. If from existing staff resources, number of staff hours -
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Legal

1. Legal Requirement: Statutory requirement: Education Act 1996 (As Amended)
Special Educational Needs and Disability Act 2001
 2. Call in: Call-in is applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected) Currently 850
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A
2. Summary of Ward Councillors comments:

3. COMMENTARY

Background

- 3.1 The Local Authority has an explicit statutory duty to provide home to school transport assistance to children with Special Education Needs (SEN) to attend their specialist provision, both in and out of borough.
- 3.2 Children with SEN are transported between home and their specialist provision through a range of service providers contracted to the Council under SEN transport contracts awarded in August 2010.
- 3.3 In July 2009 the CYP portfolio Holder agreed that as Phase 2 of the project to retender the SEN Transport contracts, the Home to School Transport Policy should be reviewed. It was further agreed (DCYP09095) that policy amendments should be considered by the Member Officer Working Party SEN before seeking permission to go out to wider consultation.
- 3.4 The Member Officer Working Party SEN at its meeting of 15 December 2010 considered policy changes which are the subject of this consultation under the following terms of reference:
- To review the statutory requirements and good practice guidance in relation to transporting this client group.
 - To review options for alternative models of service delivery and current organisation in the context of efficiency, sustainability, inclusivity and demonstrate best value.
 - To update the SEN Transport Assistance Policy, seeking improvements to service delivery and development of travel skills for employment and adulthood.
- 3.5 On 24 January 2011 the Children and Young People Portfolio Holder approved the recommended changes to SEN Transport Policy to go out to wider consultation. The CYP PDS Committee is asked to comment on the proposal as part of the consultation process.

4. CHANGES TO HOME TO SCHOOL TRANSPORT POLICY AND PRACTICE PROPOSED

4.1 Transport to Special Schools

The DfE home to school best practice guidelines suggest that for children required to travel beyond the relevant walking distance to reach their specialist provision, because the LA is unable to make arrangements at a suitable placement nearer to home, there is an automatic entitlement to free transport. The walking distances used are:

2 miles for children aged under 8 years; and
3 miles for pupils aged 8 and over.

The current practice that operates for children attending the four special schools in Bromley is that they automatically receive transport assistance regardless of the distance criteria.

Proposal: That entitlement to transport to special schools would be subject to consideration using the statutory walking distances. Therefore a child under 8 living within 2 miles of school or a child over 8 living within 3 miles of the school would not automatically receive transport assistance. However individual circumstances would be taken into account and there would be a right of appeal.

4.2 Parental Mileage

In the event of an individual child attending a school to which transport provided by the Council would either be very difficult or very expensive because there is no opportunity to share vehicles, parents are requested to provide transport for the child and their expenses are reimbursed at 42p per mile. Whilst expensive, this is cheaper than an individual taxi and escort for the child. This arrangement is currently on a voluntary basis where a child is entitled to transport.

Proposal: Whenever a child's journey necessitates individual transport to school, parents would be required to take their children to school wherever possible. Parents would receive an appropriate amount of mileage allowance.

4.3 Independent Travel Training

Travel training is a key life skill and should be developed and offered as appropriate to all individuals, to equip them for adulthood. Help and training with independent travel opens a wealth of opportunities for young people.

Proposal: That an independent travel training programme is set up and after receiving supported travel training children and young people are required to travel to school independently where appropriate.

4.4 Transport Pick Up Points

The current practice is to provide a door-to-door collection and drop off transport service. The introduction of pick up points such as end of road pick-ups and collection and drop off from allocated stops should be considered. Such a scheme would be the forerunner to introducing pupils to travel training and provide a more 'normal' travel experience for pupils. This change would reduce journey times significantly, benefiting pupils and reducing cost.

Proposal: That a number of pilot routes are set up to assess the feasibility of introducing end of the road pick up points as appropriate. That in the meantime the policy should be amended to indicate that children will be picked up from home or other convenient location.

4.5 Reviewing the Need for Escorts

Currently all primary aged school children have an escort provided and also for some secondary school age children depending on their needs.

Whilst any savings may be negligible, the formalisation of the provision of escorts will provide greater clarity and transparency of the Council's transport assistance offer.

Proposal: Children of secondary school age will be asked to travel without an escort where appropriate.

4.6 Providing Transport for After School Clubs and Other Short Break Activities

SEN Transport is increasingly asked to provide transport at different times to support these activities. A recent DDA ruling has shown that this transport may be required in the future.

Proposal: It is recommended that at this stage we continue to review each application on its own merits taking into account the needs of the individual child and the family circumstances.

5. CONSULTATION

- 5.1 As part of the consultation with parents and carers, seven focus groups have been set up and Parent Voice are facilitating consultation with the voluntary sector.

6. POLICY IMPLICATIONS

- 6.1 The policy review supports the achievement of objectives under the “Every Child Matters in Bromley” Plan for 2006-2009, to ensure that all young people are given an equal opportunity to achieve their full potential.
- 6.2 It supports the Bromley Children and Young People Trust’s Disability Strategy and the emerging agenda for Aiming Higher for Disabled children.

7. FINANCIAL IMPLICATIONS

- 7.1 The 2010/11 SEN transport budget is £3.6m.
- 7.2 The Council’s Financial Forecast includes a reduction in this budget of £200,000 relating to changes in the SEN Transport Policy changes. Initial potential savings of £166k have been identified and are subject to further modelling and will be reported to Members at future meetings.
- 7.3 In addition to the savings from the proposed policy changes there are savings through recontracting of the SEN Transport Contracts.

8. LEGAL IMPLICATIONS

- 8.1 The Local Authority is statutorily tasked with ensuring that children with a statement of Special Educational Needs (SEN) receive an education that is appropriate and compliant with that set out in the child’s statement-In accordance with Sections 312-349 of the Education Act 1996 (as amended).
- 8.2 The Local Authority is obliged to have regard to parental preference for a child to be educated in either specialist or mainstream provision when supplying SEN provision – Special Educational Needs and Disability Act 2001.
- 8.3 The Local Authority when dealing with children with Special Educational Needs must have regard to the Secretary of State’s published Code of Practice and must not promulgate transport policies that seek to limit parental choice.
- 8.4 Local authorities under Section 509(1) of the 1996 Act are required to make “such arrangements for the provision of transport and otherwise as they consider necessary, or as the Secretary of State may direct, for the purpose of facilitating the attendance of persons receiving education at schools”.
- 8.5 Whilst the distance criteria listed in the MOWPSEN Report is a useful benchmark in setting entitlement for provision, the Authority must be aware that if, a child’s SEN and/or disability were such that they could not reasonably be expected to walk even relatively short distances to school, it would be unreasonable for the LA not to provide transport.
- 8.6 The need to recognise an individual child’s needs is paramount in the process of the supply of any transport provision.

- 8.7 The Council has an element of discretion in the supply of services if it wishes to vary a provision it should consult fully with all stakeholders as defined within the guidance.
- 8.8 There is no change in the duty to supply, and statutory school age remains to 16 at present.

9. PERSONNEL IMPLICATIONS

- 9.1 The proposals contained within this report may give rise to staffing implications which would be the subject of a further report to committee in the event that the proposals are agreed.

Non-Applicable Sections:	N/A
Background Documents: (Access via Contact Officer)	Executive report DCYP09054 MOWPSEN Report dated 21/5/2009 MOWPSEN Report dated 22/10/2010