

PROPOSED AMENDMENTS TO SPECIAL EDUCATIONAL NEEDS (SEN) HOME TO SCHOOL TRANSPORT POLICY

To: **Cabinet**

Date: **24 May 2011**

From: **Executive Director: Children and Young Peoples Service**

Electoral division(s): **All**

Forward Plan ref: **2011/029** *Key decision:* **yes**

Purpose: **To inform Cabinet of proposals to amend the Special Educational Needs (SEN) Home to School Transport policy in order to achieve the savings required on the SEN Home to School Transport budget.**

Recommendation: **That Cabinet approves the proposed changes to the Special Educational Needs (SEN) Home to School Transport Policy.**

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1.0 BACKGROUND

- 1.1 When children receive a Statement of Special Educational Needs (SEN) the Local Authority (LA) has to identify what provision is needed to meet the children's needs and then make it available. In order to access some of the specialist provision set out in statements, such as a special school or unit, children have to attend schools that are not their local catchment school. Under these circumstances, the LA needs to provide transport free to and from school. Historically, Cambridgeshire has had a very flexible approach to delivering this duty which has potentially been more generous towards the wider circumstances of the family than is required by law. It is also worth saying that many LAs have already reviewed their home to school policy to adopt a tighter approach to provision in order to achieve savings.
- 1.2 Over the past ten years we have seen the numbers of children receiving free home to school transport grow from approximately 900 to currently approximately 1300. This has impacted on the budget. Within the Integrated Planning budget round 2011/12 it was agreed to review the approach to providing SEN transport to make sure that the Council fulfils its statutory duty, but does so in the most efficient way possible. During the review of the SEN policy careful consideration has been given to conversations with parents and special schools. As a result we are proposing to revisit the SEN home to school transport policy in a number of areas where savings can be achieved without placing the LA at risk of failing to deliver its statutory responsibilities i.e. meeting assessed need.
- 1.3 The specific duty on the LA is to make transport arrangements if it is considered necessary, in order to get children with Special Educational Needs (SEN) and disability with a Statement of SEN to school. Whilst this assistance has to be provided free it is up to the LA to decide what is necessary and how to provide it. Case law suggests that where a child is registered at the nearest suitable school and that it is beyond walking distance then it is unreasonable not to provide transport. The SEN Code of Practice recommends that the LA has a general policy relating to transport for children with SEN and that this is made available to parents / carers.
- 1.4 Cambridgeshire County Council has a Home to School Transport Policy for mainstream and SEN transport. Two sections are dedicated to SEN and these sections detail eligibility, the expectations of parents / carers and the service the LA will provide. The majority of LA's have similar policies and apply strict eligibility criteria.
- 1.5 The majority of children and young people with SEN and/or disability and a statement do not need specialist free home to school travel. They either live within the statutory walking distance or their parents remain responsible for getting them to and from school. 1300 children / young people in Cambridgeshire do receive free home to school SEN transport. The majority of these children / young people attend special schools or specialist provision but there are a small number attending mainstream schools who have been placed by the LA in order to have particular needs met. The cost of transporting these children was £6.6 million in 2010/2011.
- 1.6 Our proposals within the Integrated Planning Process (IPP) set out savings of

the following order to be delivered by the SEN transport budget over the next five years.

Year	Reduction of
2011/2012	£ 1,050,000
2012/2013	£ 654,000
2013/2014	£ 456,000
2014/1015	£ 249,000
2015/2016	£ 55,000

2.0 PROPOSALS AND MAIN ISSUES ARISING

- 2.1 This paper sets out our proposals for achieving these savings. The savings are deliverable, but it is equally clear that whilst the proposals ensure the Council continues to deliver its statutory responsibilities, they will cause some anxiety for parents who may be upset about their eligibility for free home to school transport being withdrawn. It will be important to continue to talk to families about these changes and in particular reduce concern amongst those families that will continue to be eligible for transport.
- 2.2 The non decision making Policy Development Group (PDG) on the 20th January 2011 considered initial proposals and over the past 6 weeks officers have consulted extensively with parents / carers on proposed changes to the eligibility criteria.
- 2.3 Officers have undertaken an extensive consultation on these proposals and have written to all parents who are likely to be affected. Parental feedback has been considered in drafting an amended policy. The feedback from the consultation indicated that most parents understood the need to make changes and the broader context, but wanted to know what it meant for their child.
- 2.4 Having considered the responses from parents and carers, the following changes to the SEN Transport Policy are proposed in order to achieve the savings set out above:

Policy	Impact	Estimated Saving	By when
Transport will not be provided for children / young people if they are within the statutory walking distance (2 miles under 11 years of age and 3 miles over 11 years of age) unless the child / young person has a medical condition or their SEN would impact negatively on walking to school within an acceptable amount of time or the route was unsafe to walk.	Approximately 500 children / young people who currently live within the statutory walking distance currently receive free home to school transport. However, it is clear that a significant number of those will still be eligible for transport due to their SEN, disability or medical need. It is estimated that over the 5 year period the effect of this policy would be	£485k over 5 years	£155k by March 2012 £155 k by March 2013 £95 k by March 2014 £65 k by March 2015 £15 k by March 2016

	that 95 children and 40 students attending specialist behaviour provision would no longer be eligible to receive free transport.		
When children / young people meet criteria for transport parents / carers will be asked if they can transport their children / young people to school and be offered reimbursement for fuel costs. If parents are not able to, it will be the responsibility of the LA to provide transport.	Currently the LA automatically offers to provide transport rather than mileage costs to parents. We believe that over time, up to 105 children could be transported by parents / carers over the 5 year period with a reduction in costs.	£315k over 5 years	<p>£90 k by March 2012</p> <p>£90 k by March 2013</p> <p>£90 k by March 2014</p> <p>£30 k by March 2015</p> <p>£15 k by March 2016</p>
The LA will not provide transport for children / young people in special schools, both in and out of county, for court appearances, medical appointments, birthdays or detentions / exclusions.	Currently the LA undertakes and funds these additional journeys. This is not required of the LA within our statutory duty. It is estimated that 100 less children will have additional journeys. However, in exceptional situations where children are ill and families do not have access to a car the LA will provide transport home	£160k over 5 years	<p>£40 k by March 2012</p> <p>£40 k by March 2013</p> <p>£40 k by March 2014</p> <p>£20 k by March 2015</p> <p>£20 k by March 2016</p>
Where a child / young person has been placed in an independent school outside of Cambridgeshire, the parent / carer will be asked to transport the child / young person to and from school. Cambridgeshire County Council will offer fuel costs at the agreed rate per mile. If the family has no access to a vehicle or cannot transport the child then the LA will provide transport.	There are 101 young people in out county schools. Young people may travel for several hours in taxis with drivers they will not know. Section 17 within the policy relating to post 16 transport has been amended to clarify existing eligibility criteria for out of authority individual placements. It is estimated that 70 more pupils will be transported by parents / carers rather than by the	£530k over 5 years	<p>£150 k by March 2012</p> <p>£150 k by March 2013</p> <p>£150 k by March 2014</p> <p>£40 k by March 2015</p> <p>£40 k by March 2016</p>

	LA over the next 5 years.		
Placements in schools will not be maintained when parents move house. The LA will not provide transport to parental preferred school.	When families move parents / carers have requested transport to keep their child at their previous school instead of moving to the new local school. It is estimated that 15 children will not be transported over a 5 year period.	£50k over 5 years	<p>£10 k by March 2012</p> <p>£10 k by March 2013</p> <p>£10 k by March 2014</p> <p>£10 k by March 2015</p> <p>£10 k by March 2016</p>
Post 16 (FE) criteria is applied rigorously and that walking distance and exceptions are applied as for pre 16 or those who can travel independently using public transport. It is worth noting that the LA is now responsible for providing transport for young people with lifelong learning difficulties and disabilities (LLDD) up to the age of 25 years in and out of county. This is a change for the previous age of 21 years.	14 + review process will identify those young people who could benefit from independent travel training. Young people will be expected to access public transport or walk to college. Mainstream post 16 subsidised transport criteria would be applied. An additional 200 students over the 5 year period would not require free SEN transport.	£1m over 5 years	<p>£250 k by March 2012</p> <p>£250 k by March 2013</p> <p>£250 k by March 2014</p> <p>£125 k by March 2015</p> <p>£125 k by March 2016</p>
We plan to proceed to review our contracts and routes to special schools, to ensure that we are procuring this transport in the most efficient way possible.	We will re-tender and working closely with the special schools This work will pay due regard to wider proposals to ensure that the County Council secures maximum benefit from its transport resources.	£900k over 5 years	<p>£350 k by March 2012</p> <p>£450 k by March 2013</p> <p>£100 k by March 2014</p>

2.5 It should be noted that the above estimated savings, whilst based on existing data may, vary due to other influences such as changing numbers in out county schools, increase in medical needs requiring transport etc. The budget has been set up so that we are able to identify the separate areas within the proposal and to monitor the

impact of the proposed changes on actual spend A draft proposed SEN Transport policy is attached as **Appendix 1**.

2.6 Issues arising from these proposals include:

Parents, carers and schools often view transport as necessary for children with Statements of SEN irrespective of the distance a child may live from their school and their needs and therefore there is an incorrect expectation that a statement equates to transport.

2.7 These proposals will mean changes for some families whose children have received free transport for a number of years. Whilst the policy will need to be fairly and consistently applied, in the first year there may need to be an understanding of the implications for these families who will need to alter their childcare arrangements. This will mean the LA taking into account individual circumstances and allowing for some flexibility in year 1.

2.8 The practicality of walking to school may create difficulties for some families. Therefore officers from the Statutory Assessment and Resources Team (START) and the Social and Educational Transport (SETT) will work with the Travel Officer from Infrastructure and Head teachers from our special schools to develop schemes to offer support for those children and young people who will be walking to school e.g. walking buses. This will support the priority to help children live healthy and independent lives in the community and promote independent travel.

2.9 These proposals place responsibility for transport with parents where the eligibility criteria is not met. There will be difficulties for some parents in getting to two or more schools at the beginning or end of the school day. Additionally parental illness may lead to school absence. Officers will work with parents, other services and special schools to identify alternative strategies to support parents such as buddy schemes,. We do need to be able to respond to exceptional needs and this would be through our County Resourcing Panel

2.10 Parents have been informed of these proposals and their views sought. The proposals should not therefore be a surprise but some parents and children will be anxious about the changes, some will be upset and many will need to make changes to accommodate the proposed withdrawal of transport. We will work closely with all parents to support them and their children through this process. The Head of Commissioning Enhanced Services will write to parents /carers at the beginning of June 2011 to inform them about what the changes will mean for their child / young person and to provide details of the appeals process. An appeal process will be set up.

2.11 Children and young people have not been directly involved with the consultation so far as any change to their provision needs to be planned for and presented in appropriate ways. Without a clear understanding that there will be changes to transport it was felt to involve them at an early stage would cause unnecessary anxiety. Children and young people will be fully involved in thinking about ways of getting to school that are safe and help them to be as independent as is possible

3.0 NEXT STEPS

Action	Date
Head of CES to write to parents / carers whose children / young people receive free home to school transport and detail the implications for their child of any changes in policy. Letters to schools and FE about the changes. Special schools will be asked to work with their children and young people about the changes and to get their ideas on what might help them get to school safely	June 10 th 2011
Provide an opportunity for parents / carers to put forward a case for transport continuing for their child / young person even though they are no longer eligible.	June 2011
Set up a working group with schools and services to develop alternative strategies to transport.	June 2011
Consider parental appeal submissions where transport would cease	June 2011
Appeals process undertaken for parents / carers who wish to appeal with a withdrawal of provision.	July 2011
Implementation	September 2011

3.0 ALIGNMENT WITH PRIORITIES AND WAYS OF WORKING

3.1 Supporting and protecting vulnerable people when they need it most

The proposed policy would ensure that the Council continues to be able to provide transport for those children for whom it is necessary. These will be the most vulnerable children and young people in the county. There will be small number of children, young people and their families who will not continue to be eligible for free home to school transport.

3.2 Helping people live healthy and independent lives in their communities

A benefit of implementing the walking distance criteria will be to support healthy lifestyles and to encourage the development of Independent Travel. There is clear evidence that young people who undertake Independent Travel benefit from increased confidence and self esteem enabling them to participate to a greater degree in their community. It is recognised that the changes will potentially reduce

the flexibility that some parents will have to access work and other opportunities. Actions will be taken to seek to reduce this impact.

3.3 Developing the local economy for the benefit of all

The proposal will enable the Council to continue to provide transport where necessary to enable children and young people with disabilities to attend school. Within the funding available officers will continue to develop a transport service for children and young people with SEN which is safe and meets need.

3.4 Ways of Working

These proposals will ensure that we are able to continue to provide transport when it is needed and that is of high quality. The special schools and voluntary organisations will be involved in supporting parents to understand the implications.

4.0 SIGNIFICANT IMPLICATIONS

4.1 The report above sets out details of significant implications in 1.2 and 1.4.

Statutory, Risk and Legal Implications

The legislation relating to the County Council's duty is as follows:

Education Act 1996 509
SEN Code of Practice (2001)

The proposals within this report comply with the above legislation.

4.2 Equality and Diversity Implications

Whilst children will continue to be supported to get to school there may be a perceived inequality by parents and carers that they have to get children to different schools

4.3 Engagement and Consultation

Paragraphs 2.1 and 2.2 set out the consultation undertaken so far.

Source Documents	Location
None	