

## Home to School Transport to After School Clubs - SEND

To: Children and Young People's Committee

Meeting Date: 17 May 2022

From: Executive Director: People and Communities

Electoral division(s): All

Key decision: No

Forward Plan ref: n/a

Outcome: The Committee is asked to consider the responses received during the consultation on Transport to After School Clubs and to approve a continuation of the existing arrangements, with a further review in 12 months' time.

Recommendation: The Committee is recommended to:

- a) Approve the recommendation to continue with the existing discretionary after school club transport arrangements, with a further review in 12 months' time.
- b) Recommend that the Strategy and Resources Committee approves additional funding for the extension of the existing transport provision to some special school after school clubs to all Cambridgeshire special schools offering similar after school club provision.
- c) Note the feedback received as a part of the consultation on the proposed options for future arrangements.
- d) Request officers further explore the option of a means tested approach to continuing the After School Club Transport arrangements.

Voting: Co-opted members of the committee are eligible to vote on recommendations a) and d).

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# 1. Background

## Transport to After School Clubs

- 1.1 Since 2011, the Council has funded the cost of transport to enable children and young people attending some of the County's area special schools to stay on beyond the end of the school day and participate in after school activities. The Council also provides funding from its High Needs Block towards the cost of running this after school provision in the order of £20,000 per school per year.
- 1.2 The current spend for 2021/2022 for providing transport to the After School clubs run by five of Cambridgeshire's Area Special Schools is £93,686.34. Those schools are:
  - Castle School (Wed/Thu): 13 students
  - Granta School (Mon/Tue/Thu): 18 students
  - Highfield Ely Academy (Mon-Fri): 8 students
  - Samuel Pepys School (Tue-Thu): 8 students
  - Spring Common Academy (Mon-Fri): 7 students
- 1.3 For the 54 students for whom free transport is being provided, this breaks down to an annual average cost per student of £1,734.93
- 1.4 This discretionary spend sits within the home to school transport budget for pupils with Special Educational Needs and/or Disabilities (SEND). In 2021/22 the SEND transport budget was £14.86m and ended the financial year with an overspend of £1.32m due to the continuing demand for places at Special Schools and High Needs Units combined, with an increase in complexity of transport need. The budget has been increased to £17.92m in 2022/23 to reflect the expected increase in demand as the pupil population continues to rise, along with a predicted increase in the number of pupils with Education, Health and Care Plans (EHCPs).
- 1.5 The Council does not currently provide or fund similar arrangements for children and young people attending other special schools or those who attend enhanced resource bases at mainstream schools. It is, however, recognised that the current arrangements provide more than after school club opportunities for these pupils, by also providing parents with both respite and childcare.
- 1.6 In January 2020 it was agreed by the CYP Committee to consult on a proposal to cease the After School Club transport provision. This launched on 3 February and ran for six weeks to 27 March 2020.
- 1.7 In February 2020, the then Councillor Dr Nik Johnson submitted a petition together with a joint proposer relating to this transport provision. The intention had been for this to be considered by the Committee at its meeting in April 2020. However, in recognition of the significant impact the COVID pandemic was having on children's education and lives, it was agreed with the then Chair of the Committee that it would not be appropriate to proceed with the proposals, but for it to be put on hold and revisited at a later date.

- 1.8 In September 2021 the CYP Committee were asked to consider a proposal to proceed with a fresh consultation on withdrawing the After School Club transport from September 2022. At this time, in line with the previous commitment made, the joint petitioners were also given the opportunity to present their petition to members.
- 1.9 On 14<sup>th</sup> September 2021 the CYP Committee agreed to proceed with a new, wider ranging consultation, with an emphasis on reviewing the discretionary support, rather than a proposal to withdraw the existing travel arrangements.

## 2. Main Issues

- 2.1 The Legal parameters relating to home to school/college transport for children and young people of statutory school age are set out in Sections 508, 509 and schedule 35B of the 1996 Education Act as amended by the Education and Inspections Act 2006.

Sections 509(1) and (2) place a duty upon local authorities to provide free transport where necessary to facilitate the attendance of children and students at schools and institutions both within and outside of the further and higher education sectors.

Section 509(3) allows local authorities to pay the whole or any part of reasonable travelling expenses when not making provision under 509(2) above.

Section 509(4) requires local authorities to take certain factors into account including the child's age, the nature of possible routes and parental wishes for the provision of education at a school or institution in which the religious education is that of the religion or denomination to which his/her parent adheres.

- 2.2 The Council's statutory responsibility is limited, therefore, to supporting children and young people, including those with SEND to get to and from school at the start and end of the school day. Schools determine those start and end times to ensure that each child and young person receives the number of hours of education each week to which they are entitled.

### Consultation

- 2.3 On 31 January 2022 a consultation was launched for six weeks until 11 March 2022. As intended the consultation was shared with a much broader audience. In addition to the list of direct consultees set out on pages 6 and 7 of **Appendix A**, promotion of the consultation also took place in the form of a press release, publication on the Council's website and through social media.

### Current and Proposed Future Options

The consultation set out to seek views on a range of proposed options outlined in the table below.

<b>Option 1(a)</b>	Continue to provide free transport to children and young people who attend Castle School, Granta School, Highfield Academy Ely, Samuel Pepys School
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	and Spring Common Academy to enable them to access the After School Provision run by those schools.
<b>Option 1(b)</b>	Continue to provide free transport to the children and young people currently on roll at the schools named in Option 1, but not to any children and young people who are placed at those schools after the start of the 2022/23 academic year.
<b>Option 2</b>	Change from providing free transport to those children and young people who attend the schools named in Option 1, to providing subsidised transport with parents/carers meeting part of the cost.
<b>Option 3</b>	Change from providing free transport to those children and young people who attend the schools named in Option 1, to providing subsidised transport with parents/carers meeting part of the cost, with the subsidy phased out over 3 years at the end of which parents/carers would meet the full cost
<b>Option 4</b>	Change from providing free transport to those children and young people who attend the schools named in Option 1 to providing free transport only to those families who qualify for financial support on grounds of low income* and offer subsidised transport for other children with parents/carers meeting part of the cost.
<b>Option 5</b>	Cease providing free transport to those children and young people who attend the schools named in Option 1 with effect from the start of term in September 2022. This would mean that parents/carers would need to meet the full cost of transport themselves, should they wish their children to continue to attend one of those clubs.

Views were sought on the suitability of the proposed options, along with a number of questions around the accessibility of the after school club provision, should it not continue in the same form in the future. A copy of the Consultation responses is also included in Appendix B.

## Feedback

- 2.4 At the time the consultation closed on 11 March 2022 Officers received a total of 37 responses. This was a disappointing number, given the breadth of audience. The Majority, 19 were received from parents/carers of pupils attending an after school clubs at one of the 5 area special schools. 4 responses were received from parents/carers of children attending an after school club at another Cambridgeshire school. 7 responses were received from members of staff at the 5 area special schools, whose pupils currently receive transport assistance. A further 2 responses were received from Governors/Trust members. A final 5 responses were received from either another partner organisation or other interested parties.
- 2.5 Whilst the feedback received was varied, the majority of responses, 23, supported the continuation of the existing arrangements set out in Option 1(a). There were 7 responses supporting potential subsidised options set out in Options 2 and 4. 1 response received supported the discontinuation of the current transport arrangements, with 6 further responses having no clear preference for any option.
- 2.6 When parents/carers were asked whether their child would be able to continue accessing their existing after school club provision, should the current arrangements cease, 65% (13) responded that they would not.

- 2.7 A number of responses highlighted that there is a lack of after school activities and wrap around care options for children with SEND. Those which are available often come at a considerable cost, in comparison with opportunities available for children who access mainstream education.
- 2.8 Concerns were raised by working families who believe that any change to the existing arrangements would place an unfair burden and financial pressure on them, at a time where there is already a significant pressure created by the recent and ongoing cost of living increases. Any changes made to the existing transport arrangements would inhibit their ability to work and provide for their families.
- 2.9 For the vast majority of families who responded to the consultation, the after school clubs provides more than childcare activities for their children, it creates opportunity for socialisation, development of life skills and increasing independence and confidence. The clubs also support their mental and emotional wellbeing and offering families important respite. Many expressed their concern about the continued viability of the clubs, should the current transport arrangements cease.
- 2.10 A number of responses from both families and members of school staff favoured a change to a means tested approach going forward, with the level of subsidy being based on individual circumstances. However, some families expressed that any level of charging would prevent their child from accessing the After School Club provision.
- 2.11 One school representation highlighted the need for any proposed change to be fair and transparent. It was felt that restricting assistance to existing pupils only, and not new children joining the school, as set out in Option 1(b), would be neither fair nor transparent.
- 2.12 The comments received clearly show the strength of feeling and level of concern with regard to the adverse impact a decision to cease funding transport to the After School Clubs would have on the children and young people concerned and their families. There is no doubt that this is a Council service which is highly valued and valuable, more than in just financial terms, to those families who currently use it.

### Equality of Opportunity

- 2.13 Whilst transport assistance is currently available for those children and young people with EHCPs attending the five area special schools outlined in section 1.2, there are not similar opportunities afforded to those attending alternative specialist provision in the County. There is clearly, therefore, a question of equality of opportunity with regard to the current arrangements, and the differential treatment of children and young people with EHCPs, depending upon which school they attend.
- 2.14 Since the implementation of the transport to After School Clubs in 2011, two new area special schools have been opened in Cambridgeshire, Martin Bacon Academy in Northstowe and Highfield Littleport Academy. Pupils attending these new schools do not currently receive any transport support to enable them to participate in After school club provision.

- 2.15 Children and young people with EHCPs attending enhanced resource bases at mainstream schools and those who attend specialist provision for their Social Emotional or Behavioural Difficulties (SEMH), do not currently receive any support to enable them to participate in After School provision.
- 2.16 In March 2022 a survey of After School Club provision was undertaken for all Cambridgeshire special schools. This survey found that, with the exception of the 5 area special schools named in section 1.2, only one additional special school currently operates after school club provision for its pupils. This school is Meadowgate Academy in Wisbech.
- 2.17 Officers have noted that the Council previously funded and provided transport to the After School Club run by Meadowgate Academy in Wisbech until the 2018/19 Academic Year, when the Council was informed that the Club would no longer be operating. The club has since been reinstated 3 days a week, however, the school has not sought to claim for any associated transport costs. The school currently has the following pupils attending it's After School Club provision;
- Monday - 10 pupils, of which 7 live in Cambridgeshire and receive statutory home to school transport.
  - Wednesday -11 pupils, of which 6 live in Cambridgeshire and receive statutory home to school transport.
  - Thursday - 10 pupils, of which 8 live in Cambridgeshire and receive statutory home to school transport.
- 2.18 Subject to the Committee's views on this discretionary transport arrangement and the issues identified with regard to equality of opportunity and the current economic pressures faced by families, officers judge that it would be appropriate to continue with the existing transport arrangements, as set out in Option 1(a) and undertake a further review of this provision in 12 months' time.
- 2.19 Officers also recommend that it would be both fair and equitable to reinstate the discretionary transport arrangements to those pupils accessing the After School Club provision at Meadowgate Academy.
- 2.20 It should be noted that whilst Meadowgate Academy is currently the only additional special school offering After School Club provision, other special schools could opt to run such provision in the future. The cost of providing this additional transport assistance would need to be carefully monitored as part of the ongoing budgetary pressures.
- 2.21 Officers seek Committee's approval to further explore the option of a means tested approach to delivering this discretionary transport arrangement in the future.

### 3. Alignment with corporate priorities

#### 3.1 Environment and Sustainability

The following bullet points set out details of implications identified by officers:

- Due to needs of the pupils accessing this particular school provision, and the individualised nature of the transport, there is limited opportunity for shared arrangements or the use of public services.

### **3.2 New Health and Care**

The following bullet points set out details of implications identified by officers:

- It has been widely recognised that the after school club provision provides important respite opportunities for families of children with SEND/ disabilities. The removal of such provision, or a family's ability to access this provision, has the potential to impact the health and wellbeing of those families and potentially place a further burden on other health and care services.

### **3.3 Places and Community**

The following bullet points set out details of implications identified by officers:

- It is recognised that many children who attend specialist provision as a result of their Special Educational Need or Disability (SEND) can be isolated from their local community, as their needs require them to attend provision some distance from their homes. The current discretionary transport arrangements provide the children with the additional opportunities for socialisation, independence and confidence development. If they were no longer able to attend After School provision, this would segregate them further and could be considered to be a form of discrimination.

### **3.4 Children and Young People**

The following bullet points set out details of implications identified by officers:

- It is recognised that there are fewer after school opportunities for children with SEND than for those children attending mainstream provision. Due to the specific nature of needs that SEND placements cater for and both the availability and pressure on those placements, some children attend at specialist schools well outside of their local community. This often means that families depend upon the discretionary after school club transport, to enable their child to access these opportunities.

### **3.5 Transport**

The following bullet points set out details of implications identified by officers:

- Due to the specific nature and requirements of this transport provision the opportunity for the promotion of active and sustainable travel options is limited.

## 4. Significant Implications

### 4.1 Resource Implications

As noted in 1.4 above there remains a significant pressure on the SEND transport budget, from which the discretionary transport to After School Clubs is funded. The final budget over-spend for 2021/22 was £1.32m, although this was partially offset by an underspend on Mainstream transport of £0.58m.

In addition, demographic changes continue to exert significant pressure on both the mainstream and SEND budgets as evidenced below:

Year	Pupils in Cambridgeshire Schools	% increase in pupil numbers	Anticipated Expenditure (£)
2020/2021	81,909		Actual expenditure on contracts and PTBs £12,359,952
2021/2022	82,393	0.59%	Actual expenditure on contracts and PTBs £15,970,516
			Budgeted spend on contracts and PTBs £17,543,436. (£10,370,000 relating specifically to special school transport)
2022/2023	82,902	0.62%	

### Current and Planned Programmes

In response to the continuing budgetary pressures there are a number of programmes which are planned or already underway to help reduce the rising costs of home to school transport,

#### Independent travel training (ITT)

Independent travel is key to independent living, accessing employment and preparation for adulthood. The reliance upon social care services in the future by those who are travel trained, will be reduced and in some cases removed altogether. The Council is currently operating a pilot programme which began in September 2021. Depending on the age/stage of the trainee officers leading this pilot programme will work closely with representatives from Adult Social Care, to maximise the pilot's potential for positive impact on wider Council service budgets.

The 2-year pilot began successfully with a total of 44 referrals received to date, 20 of which having progressed through the assessment stage and resulting in 10 learners enrolled.

This initial trial has led to 4 learners travelling independently with one learner undertaking an accredited Edexcel qualification, although all learners receive a certificate to say they have successfully completed ITT.

To assess demand and suitability of ITT for both rural and city-based schools, the pilot started with special schools Highfield Ely and Highfield Littleport and Cambridge Regional College (both Huntingdon and Cambridge campuses). However, to ensure the maximum number of students had opportunity to

undertake training, the scheme was extended to include Castle Special School and Long Road Sixth Form College.

Based on the 4 learners moving from council transport provision to travelling independently officers can demonstrate a reduction in demand for Council funded transport. As yet this has not resulted in a difference in taxi provision as capacity levels are agreed at the beginning of taxi contracts. What this does mean is that there are 4 taxi places released that can be utilised to cover changes or additions in the numbers of students eligible for council transport. Travel training has the potential to reduce costs above investment once the programme is running into its second year.

Although interest in the scheme is steady it has been low. The pandemic particularly impacted on the way students' study and travel to school as well as the impact on training routes of driver availability due to Covid sickness. Families not supporting ITT, routes not viable for the scheme and entry criteria to the scheme not being met are also impacting on enrolment numbers. As a result, there is a relaunch of the pilot planned to target SEND schools in Cambridgeshire to promote the scheme and generate more interest and increase learners accessing the programme.

In September 2022 the outcomes of the first year of the pilot will be analysed and future options considered including initial contract extension or in-sourcing ITT.

#### Enhanced Personal Transport Budgets (PTBs)

The use of Personal Transport Budgets is promoted where a family is able to take on responsibility for transporting their child to and from school, and this would be a more cost effective option than the procurement of dedicated contractual transport.

Payments are calculated using a flat rate fee of £0.40 per mile for four journeys (home to school and return x 2) per school day. If there is a more cost-effective option (such as a shared transport arrangement), a PTB will not normally be agreed.

Subject to meeting the approved criteria, some families are eligible to receive an enhanced PTB payment in order to reduce the number of high cost, single occupancy taxi arrangements which the Council is currently required to put in place. This would also recognise the benefits to the child of being transported by an adult or adults with whom they are familiar and who understand and can respond to their particular needs.

#### SEND Specific Projects

A number of workstreams across a 3-year programme, have been established focusing on realising efficiencies and associated savings with regard to SEND transport:

- Review and re-tendering of routes serving the County's special schools over the next 3 years to include particular focus on reviewing and reducing single

occupancy taxis (currently more than 100 such routes). Three schools to be reviewed in year 1, and five each in years 2 and 3.

- Operational review and demand management to reduce transport costs to out-county specialist provision.

These will begin in earnest once recruitment to the fixed term posts identified to lead and support them has been completed.

#### Safer routes to schools

The Council has operated a long-standing invest to save programme, where existing routes, previously assessed as unavailable are reviewed, and funding is allocated for improvements to create an “available” walking route to school. This investment enables the withdrawal of Council-funded transport, generating future budgetary savings. There are currently 5 routes identified for review.

### **4.2 Procurement/Contractual/Council Contract Procedure Rules Implications**

The following bullet points set out details of significant implications identified by officers:

- All education transport is contracted through procurement frameworks established in accordance with the Council’s approved processes

### **4.3 Statutory, Legal and Risk Implications**

The report above sets out details of significant implications.

### **4.4 Equality and Diversity Implications**

The following bullet points set out details of significant implications identified by officers:

- S149 Equality Act 2010 ('The Act') places a duty on LAs to promote equality of opportunity for disabled people and to eliminate discrimination. As such the Council has a duty to ensure that its policies, practices, procedures and services do not discriminate against disabled people.
- Section 6 of the Act defines disability and section 20 defines the duty to make reasonable adjustments so that disabled people are not discriminated against.
- The Council is under a legal duty to publish a policy that reflects these provisions and to comply with the requirements of the Public Sector Equality Duty.

The current discretionary After School Club transport arrangements, as set out within this report, are not equitable as they only provided to children and young people attending five of the area special schools in Cambridgeshire. Children and young people attending one of the three Social Emotional and Mental Health (SEMH) schools and those with EHCPs attending enhance resource bases at mainstream schools do not receive such support

#### 4.5 Engagement and Communications Implications

The following bullet points set out details of significant implications identified by officers:

- The withdrawal or change to existing school transport provision is an emotive and challenging process, which is highly resource intensive and often met with a counter campaign by the communities involved.

#### 4.6 Localism and Local Member Involvement

It is likely that the majority of members will have a family living in their ward, currently accessing this After School Club provision, who would be affected by any changes made to the existing travel arrangements.

#### 4.7 Public Health Implications

Parents and the families of those children and young people who attend and participate in this After School provision are likely to benefit in terms of respite. The children and young people themselves also benefit in terms of their own health and well-being.

#### 4.8 Environment and Climate Change Implications on Priority Areas

##### 4.8.1 Implication 1: Energy efficient, low carbon buildings.

Neutral status:

Explanation: There are no significant implications within this category

##### 4.8.2 Implication 2: Low carbon transport.

Negative Status:

Due to the specific nature and requirements of this transport provision the opportunity for the promotion of active and sustainable travel options is limited.

##### 4.8.3 Implication 3: Green spaces, peatland, afforestation, habitats and land management.

Neutral Status:

Explanation: There are no significant implications within this category

##### 4.8.4 Implication 4: Waste Management and Tackling Plastic Pollution.

Neutral Status:

Explanation: There are no significant implications within this category

##### 4.8.5 Implication 5: Water use, availability and management:

Neutral Status:

Explanation: There are no significant implications within this category

##### 4.8.6 Implication 6: Air Pollution.

Negative Status:

Explanation: There is a risk that any change to the Council's existing policies, which reduces the level of support currently offered, could lead to a greater number of parents transporting their children in individual cars.

#### 4.8.7 **Implication 7: Resilience of our services and infrastructure, and supporting vulnerable people to cope with climate change.**

Neutral Status:

Explanation: There are no significant implications within this category

Have the resource implications been cleared by Finance? **Yes**

Name of Financial Officer: **Martin Wade**

Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the CCC Head of Procurement? **Yes**

Name of Officer: **Clare Ellis**

Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or LGSS Law? **Yes**

Name of Legal Officer: **Fiona McMillan**

Have the equality and diversity implications been cleared by your Service Contact? **Yes**

Name of Officer: **Jonathan Lewis**

Have any engagement and communication implications been cleared by Communications? **Yes**

Name of Officer: **Simon Cobby**

Have any localism and Local Member involvement issues been cleared by your Service Contact? **Yes**

Name of Officer: **Fran Cox and Jonathan Lewis**

Have any Public Health implications been cleared by Public Health? **Yes**

Name of Officer: **Kate Parker**

If a key decision, have any Environment and Climate Change implications been cleared by the Climate Change Officer? **Yes**

Name of Officer: **Emily Bolton**

## 5. Source documents guidance

### 5.1 Cambridgeshire Home to School Travel Assistance Policy

Department for Education - Home to school travel and transport guidance - statutory guidance for local authorities July 2014

## 6. Accessibility

### 6.1 Accessible versions of information contained in the appendices to this report are available on request from the report author.