

Report of Deputy Chief Executive and Director of Children's Services

Report to Executive Board

Date: 16th December 2015

Subject: Children's Services transport policy: consultation on transport assistance for Post-16 students with Special Educational Needs and/or Disabilities (SEND)



Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

- 1 Transport for children and young people with special educational needs and/or disabilities (SEND) is deployed by Civic Enterprise Leeds (CEL) on behalf of Children's Services (for transport to learning settings) and Adult Social Care (ASC) (for day centre transport and respite care.) The cost of the transport is £14m annually and 1600 adults and 1500 children are provided transport every year.
- 2 There are considerable pressures on the Passenger Transport Service of CEL relating to the rise in the number of some client groups and the complexity of their needs. Whilst it is essentially a parent's responsibility to make their own transport arrangements for children in Post-16 education, the authority has continued to provide substantial discretionary assistance for students with SEND. Provision of assistance generally involves transporting students either in council fleet vehicles or by contracting private hire firms to transport students. The Authority maximises opportunities to achieve the best possible value through the procurement and tendering processes in place and has significant buying power. However, if the authority instead enabled parents to make their own arrangements, it would maximise the value of every pound spent and increase the choice and flexibility available to families.
- 3 Great success has already been achieved in empowering students, improving their outcomes and promoting social inclusion through innovative change. For example 450 students have undertaken Independent Travel Training (ITT) to use public

transport independently, with the support and agreement of their families. ITT significantly increases a student's ability to lead a more active, fulfilling life, while reducing transport costs to the authority (by approximately £1.3m last year.) Our ITT service earned the Authority the Learning Award at the national *Children & Young People Now* awards in 2014, and a place on the shortlist for the Children's Services Team of the Year Award. Travel training is now being provided to adults with learning disabilities, minimising the risk of them becoming lifetime ASC transport users and thus improving outcomes. The project applies risk assessment and safeguarding rigorously.

'Adnan' has learning disabilities and struggles to retain information or follow instructions, and is very shy & reserved in social situations.

After really struggling with ITT during the first two weeks, he began to grow in confidence and began overcoming daily personal challenges; he began to recognise landmarks, overcame a fear of ringing the bell and learned to ask for and pay his own fare. He began to lead his own journeys and gradually became less reliant on his buddy to be 'in charge'. He has now completed travel training, and not only makes his own way to his usual learning setting but he also travels independently to college one day a week with great confidence.

Adnan doesn't communicate verbally but when asked if he felt good travelling by himself he smiled a huge smile and gave a thumbs up. When asked if he was pleased that he'd done ITT he nodded ecstatically and put 2 thumbs up.

His parents have said, "We are so proud that he can travel on his own now." When he was handed his certificate at the sign-off meeting his dad had Adnan stand tall holding his certificate and took his picture to send to family and display in the home.

- 4 New ideas to extend choice and flexibility for students and their families similarly present an opportunity to achieve a further £1m of efficiencies in the provision of transport assistance. This will help to prioritise investment in a range of other services for children with complex needs such as contracted provision and Direct Payments for short breaks activities and individual support work.
- 5 In July 2014 The Executive Board agreed that in partnership, and with the assistance of Children & Families Scrutiny, a consultation exercise be undertaken to consider proposals for a new post-16 SEND transport offer. The proposals centred on the introduction of a means test for the provision of transport assistance.
- 6 The first stage of a consultation was conducted between October and December 2014, with the main aims of sharing information with key stakeholders on the process, and to be clear with parents of children with special needs about the likely actual costs for transport. This was intended to ensure that parents could give a fully informed view on the options presented at a second stage of consultation
- 7 Stage 2 of the consultation commenced in February 2015 and was scheduled to finish in April 2015. A number of factors led to this stage of the consultation being temporarily paused:

- A. A need to secure legal advice emerged during the consultation. It was found that the means-testing proposals would need to apply differently to those learners aged 18 and over, resulting in a confusing two-tier policy. The impact on families and the budgetary implications were not readily recognisable.
 - B. An insufficient number of families followed up their initial intentions to engage with a 'real-world' impact assessment of the means-testing models that had been developed. There was therefore a lack of meaningful data on which to properly assess the impact on children and families
 - C. After the consultation started a separate citywide transport review commenced and it was recognised that it would be advantageous to align a Children's Services policy with this.
- 8 In April 2015 the Service Lead and the Service Manager for Children's Transport retired and new arrangements for the leadership of children's transport were put in place.
 - 9 A review of the passenger transport services provided by Civic Enterprise Leeds has been completed. This examined council policy on eligibility for transport, its application and review, and the discretionary transport provided.
 - 10 Analysis of Nov 2015 showed that 288 post-16 SEND students were in receipt of such support. The support is provided on a discretionary basis, as the statutory duty to provide any transport assistance ceases when children complete their statutory education at age 16. It is currently projected that £1.7m will be spent on this transport assistance during 2015/16. It is not considered that continuing to provide transport assistance in the current way continues represent the best use of resources or value for money in context of the Best Council Plan. Providing transport for students instead of giving families choice and flexibility to make their own arrangements is also contrary to strategic aims as set out in the Children & Young People's Plan and our principles of restorative practice. It is Children's Services view that we can support strategic aims and retain a compassionate transport offer, whilst reducing this area of spending by £1m.
 - 11 A further review of the policy has now also been undertaken and a new set of proposals have been drawn up for Executive Board to consider, with a view to approval being sought to begin a new consultation.
 - 12 The purpose of the consultation would be to assess the possible impact upon young people and their families. The findings of the consultation would then inform future policy proposals, which are planned to be presented to Executive Board in July 2016 for approval.
 - 13 Simultaneously, consideration will be given to the possible impact on other services, for example ASC transport. These findings will also be taken into account in the preparation of a new transport offer.

Recommendations

- 14 The Executive Board is asked to approve the recommendations outlined below:
 - 14.1 To note the completion of the review of special needs passenger transport within the authority which is deployed by CEL on behalf of Children's Services and Adult Social Care.
 - 14.2 To note the opportunities for further promoting inclusion in travel options through ITT, while reducing costs and dependency.
 - 14.3 To note the demographic pressures relating to the increase in the number of children with an Education Health and Care Plan (which replaced the statement of Special Educational Needs)
 - 14.4 Agree that a new consultation takes place during January-April 2016 to assess the likely impact on young people and families of new proposals. Consultation will centre on a range of options, each of which may be subject to a final round of detailed analysis of the granular data prior to consultation commencing. The following options for consultation will involve ceasing the direct organisation and provision of transport for post-16 SEND students, and instead offer:
 - A. A personal transport budget equivalent to the cost of one or two Metro passes, dependent on whether a student would need accompanying on their journey
 - B. A personal transport budget comprising the offer of a mileage allowance to parents, typically in the range of 50p - £1 per mile
 - C. A personal transport budget based on a rate-banding system that takes into account the differing levels of need of students and the opportunity this would give parents to make their own arrangements in a more cost effective way.
 - 14.5 Agree that the findings of the consultation be used, if appropriate, in the preparation of a new Post-16 SEND transport offer. It is currently planned for this to be presented to a future Executive Board for approval anticipated to be in July 2016
 - 14.6 Note the officer responsible for implementation is the Head of Commissioning and Contracting.

1. Purpose of this report

- 1.1 The purpose of this report is to update the Executive Board in relation to proposals for the future provisions of transport assistance available to post-16 students with SEND
- 1.2 To seek permission for a new consultation to take place, to assess the likely impact on young people and families of the proposals. Consultation would take place in the period January-April 2016

- 1.3 To seek permission for the findings of the consultation to be used, if appropriate, in the preparation of a new post-16 SEND transport offer, for approval at a future Executive Board. It is currently planned that approval for a new policy would be sought from Executive Board in July 2016

2. Background information

- 2.1 In July 2014 the Executive Board agreed that in partnership, and with the assistance of Scrutiny, a consultation exercise be undertaken to consider future discretionary provisions in the post-16 SEND transport offer. The first stage of a consultation was carried out between October and December 2014 and a second stage commenced in February 2015. For the reasons detailed in the report summary (above), this consultation was paused.
- 2.2 In April 2015 the Service Lead and the Service Manager for Children's Transport retired and new arrangements for the leadership of children's transport were put in place.
- 2.3 A further review of the policy has been undertaken and a new set of proposals have been drawn up for Executive Board to consider, with a view to approval being sought to begin a new consultation. The purpose of the consultation would be to assess the likely impact on young people and families of the new proposals. Subject to the consultation findings, a new post-16 SEND transport offer will be prepared and presented to a future Executive Board for approval.
- 2.4 Simultaneously, consideration will be given to the possible impact on other services, for example ASC transport. These findings will also be taken into account in the preparation of any new transport offer.

3. Main issues

Part A: Passenger Transport Services

- 3.1 Special needs passenger transport is deployed by CEL on behalf of ASC and Children's Services, and a review has been carried out by lead commissioners and stakeholders to consider:
 - The provisions of transport policy within the authority and the extent to which provision is discretionary or statutory
 - The application of policy at service level
 - Whether the model of provision promotes access and inclusion for users and also meets carers' needs
 - Whether the directly provided service represents value for money and exploits other enterprise activity, to reduce costs to the authority.
- 3.2 The review found that both children's and adult's transport requests are properly reviewed in line with policy. Resources in both areas have been set aside to implement and challenge decisions based not just on cost avoidance, but also

developing the most socially inclusive options for clients. ITT particularly stands out in this respect and ways of extending the reach of this programme are continually being sought.

- 3.3 Similarly, systematic and resourced programmes of review of transport arrangements are also now being put in place. There has been a real step change in the commitment to this resourcing activity in both Directorates.
- 3.4 The integration of special needs passenger transport for adults and children dates back 12 years. The service manages a £14m budget. It employs 510 staff.
- 3.5 It has delivered year on year efficiencies in procurement and largely been able to quickly reduce expenditure in line with activity / passenger numbers. This shows considerable flexibility in the public sector, where reducing costs usually lag reduced activity (as direct and overhead costs take time to reduce.) Leeds has the largest passenger transport section in local government, deploys industry standard software, Trapeze; is ISO9000 and RoSPA accredited. It enjoys very positive relationships with clients and trades unions.
- 3.6 Nevertheless there are issues around a potential plateauing of delivery improvement activity in some areas:
 - A. Accessible private hire and taxi supply is falling: the service becoming more reliant on one or two major contractors, resulting in tender prices not being as competitive as we would otherwise expect.
 - B. There are supply issues with passenger assistant recruitment, particularly specialist ones who can support clients with greater medical needs / more complex dependencies.
 - C. There is still insufficient demand available throughout the day to optimise fleet productivity, though this has substantially improved: the service provides transport for the city wide community meals service which delivers an average 400 meals a day.
- 3.7 Internal Audit was commissioned to look at these issues and a range of activity has taken place: in particular a benchmarking meeting with other local authority providers; and benchmarking and discussions with other operators (notably the West Yorkshire Combined Authorities.)
- 3.8 The review noted internal transport costs are cheaper than external costs; opportunities for further increasing income are being exploited through delivering the community meals service (60% of new referrals are private individuals.) This income is passported to ASC. There are further opportunities for collaboration across the region and through the West Yorkshire Combined Authorities to increase income and defer cost pressures. ITT is a significant contribution to client's inclusion and is now being offered to adults, as well as school and college students
- 3.9 The Children's and ASC transport policies have addressed a range of transport services previously funded by the local authority. This has included reviewing respite and day care transport for adults e.g. identifying the most efficient ways of sharing transport to and from facilities and removing several elements of discretionary support in the mainstream children's transport policy.

Part B: Post 16 SEND Transport

- 3.10 Children's Services has historically provided considerable support to a small number of post-16 students with special educational needs and/or disabilities (SEND). This has included transporting students either in council fleet vehicles or by contracting private hire firms to transport students. Analysis of Nov 2015 showed that 288 students were in receipt of such support. The support is provided on a discretionary basis, as the statutory duty to provide any transport assistance ceases when children complete their statutory education at age 16.
- 3.11 It is projected that £1.7m will be spent on this discretionary transport assistance during 2015/16, largely through directly providing taxi journeys and in-house fleet vehicle support. In the context of a rising population the provision of assistance in this way is not only restrictive and limiting for families, it is also increasingly unsustainable.
- 3.12 Whilst it is essentially a parent's responsibility to make their own transport arrangements, the authority has continued to provide this substantial discretionary assistance. It remains an intention to retain a discretionary transport offer which will empower families and meet our Best Council aspirations, whilst delivering efficiencies. This will be consistent with our aspirations set out in the Children & Young People's Plan and the underpinning principles of Restorative Practice. A central objective of the Children & Young People's plan is to create a new social contract between the state and our citizens so that the emphasis of all our practice is on working restoratively **with** families, rather than doing things **for** them or **to** them. This involves high support and high challenge so that families find their own lasting solutions to the challenges they face. In addition to offering choice and flexibility, it develops life skills and independence and equips families with the resilience to move forward successfully.
- 3.13 In keeping with this strategic aim, in recent years Children's Services has significantly stepped up the ITT scheme. This involves providing a young person with a travel buddy to lead students through a personalised training programme, which gives young people the skills needed to travel independently on public transport. Approximately 450 young people have successfully achieved travel independence, supporting our ambitions in the Best City Plan to reduce the number of 16 to 18-year-olds that are not in education, employment or training.
- 3.14 In addition, closer working between Children's Transport, Children's Social Work Service and the Complex Needs service has seen a considerable fall in the number of children looked after and children with complex needs relying on the council to organise their transport. This has been achieved by ensuring closer working with foster carers and families to empower them to make their own arrangements, in the process reducing spending by over £1m per year.
- 3.15 A new contract for the provision of ITT is currently being tendered, and in partnership with ASC the offer will be further extended to adults with additional learning needs in receipt of transport assistance. The purpose of this is to support ASC in improving outcomes for older travellers. This will also extend the reach of

the programme to those young people who transfer to ASC services but were not ready to enter ITT whilst in further education, or who may be retrained for new journeys when transferring to ASC services. On this basis, it is expected that the new ITT contract will improve outcomes for a further group of young people and help to reduce demand for ASC transport.

‘Vicki’ had completed travel training whilst in Further Education but was unable to continue travelling independently after leaving college. Having built closer working links with Adults Social Care, Children’s Transport were able to give Vicki some extra travel training for a longer, more complicated journey using two buses. This meant she could reach a work placement and do an NVQ in catering. It has given her even more independence and broadened her social skills, and she’s now aiming for a job in the catering industry.

Vicki has told us, “I love ITT and have done 2 different journeys now, one to college and one to work. I can walk to the bus station by myself too... and I like it now because my mum has given me my own house key so I can let myself in at home if she is running late, I am very proud of myself”

Vicki’s mum: “Her confidence has grown so much since participating in ITT. This is a wonderful programme. The buddy was brilliant; she was patient, committed and always highly professional even when Vicki was being stubborn. We just wish we knew about the buddy scheme years ago and would certainly recommend it to others”

- 3.16 We know from parents themselves there are occasions when the most efficient arrangements that can be put in place by the council seem illogical. We therefore know there are opportunities to give parents freedom to do things more efficiently. Whilst CEL is shown to be a highly skilled and flexible transport provider, opportunities are restricted to arrange transport more efficiently than families could for themselves. For example, neighbours with similar needs who live a few doors apart but who receive different types of assistance have no insight into our contractual and fleet arrangements, our scheduling demands or our safeguarding duties, and we also recognise there will be many occasions when parents could work together to make their own arrangements.
- 3.17 An example of the flexibility and restorative approach that is often taken is the informal arrangement to pay parents of eligible children across all age ranges a 50p per mile mileage allowance. This is payable where a child or young person is eligible for transport assistance but parents request the opportunity to make their own transport arrangements. Such requests are agreed where it is efficient for the authority to do so and as of November 2015 there were 40 families benefiting from this. We know therefore, that there are clear opportunities for families to efficiently take control of their own transport arrangements as an alternative to the council providing it for them.

'Beth' (5) attends a primary school about 1.5 miles from home. Her mother has become very poorly over the last 12 months and is no longer able to take her child to school. As mum is not well enough to be left home alone Beth's father is also unable to walk to school with her. Under these exceptional circumstances transport assistance was agreed. Passenger transport were able to reschedule an existing minibus run for the morning journey but had to go out to tender for a private hire vehicle to make the afternoon trip. The cheapest quote for the short journey, which needed a passenger assistant, was £20 per day until the end of term. Following a conversation with the parents it was agreed that a personal transport budget would be awarded until the end of the term. This allows the parents to make their own arrangements (achieving a saving to the council of around 40%) while they make arrangements for their children to attend a nearer school from next

- 3.18 It is now intended that we prepare a transport offer that gives parents choice and flexibility to implement their own lasting solutions to their children's post-16 transport needs, instead of having transport provided for them.
- 3.19 Building on previous successes, new proposals have been developed on which it is proposed that consultation takes place in order to understand the possible impact on young people and their families. Our aim is to consult on ways in which we could provide any necessary transport assistance:
- a) In the least restrictive way
 - b) In a way that promotes greater transport independence for families
 - c) In a way that promotes greater self-determination among families in respect of transport when making post-16 educational choices
 - d) In a way that means transport arrangements are made **with** families, rather being something that is done **for** them
 - e) In a way that reduces dependence on the authority for providing transport.
- 3.20 Several options for an amended transport offer for students with SEND have been considered and discounted and do not form part of the proposals intended for consultation for the reasons set out below.
- 3.21 Consideration has been given to raising charges to parents as a contribution to the cost of providing transport. The charges considered were equal to the cost of one or two weekly travel passes, dependent on whether a student would need a passenger assistant when being transported. It was considered reasonable to explore the setting of fees at this level as they are the public transport costs mainstream students would need to find, so post-16 SEND students would not be incurring more costs than their age peers. This option has now been discounted as, whilst it could generate savings of up to £330,000, it would place additional demand on the administration of the relevant services. There would also be the risk of some families defaulting on payments and drawing the council into other protracted proceedings and potentially threatening the continuity of a learner's education. These options were also incompatible with aims set out in the Best Council Plan, the Children & Young People's Plan (CYPP), and do not represent a restorative approach.
- 3.22 Other options considered centred upon creating an offer for students of 6th-form age and a different offer for students above 6th-form age at 19-25, including a blended

range of 'parent to pay' contributions as above. The cost of administering these options, the risks outlined in the previous paragraph, and the fact these options did not meet the aims of the CYPP or Restorative Practice led to these options also being disregarded.

- 3.23 The Children and Families Act (2014) requires local authorities to offer a personal budget and direct payment to parents (or young people) to meet their assessed needs and outcomes as detailed in a Education Health and Care Plan (EHCP). This has required Children's Services to consider cashable alternatives to the direct provision of transport.
- 3.24 Consideration is therefore now being given to consulting on a set of options to provide Personal Transport Budgets (PTB's). Each of these options are alternatives to Passenger Transport organising and providing transport for families, and would involve families instead finding their own transport solutions assisted by a cash PTB.
- 3.25 The first option, a Cost Equivalent option, would be an award of the equivalent cost of one or two Metro passes, dependent on whether a student would need accompanying on their journey. The value of such an award would be £880 - £1,160 per year. Such awards would be an extension of the ITT offer whereby young people who learn to make their own way to their learning setting are provided with a weekly travel pass by the authority, and the offer of an additional amount equal to a weekly adult pass would enable parents to accompany those children unable to complete ITT. Whilst it would not be an expectation that personal transport budgets be used to purchase weekly passes, the budget is designed to reflect the fact that these are the public transport costs mainstream students would need to pay; however, this would be an amount paid to parents of students with SEND rather than an amount they would need to find from their household budget. This option would generate sustainable savings of over £1m.
- 3.26 Consideration is also being given to the provision of a PTB comprising the offer of a mileage allowance to parents. Analysis of November 2015 indicates that an award of a personal transport budget to families of £1 per mile would also generate savings of £1m. In this scenario, the personal transport budget for a student making the average the average journey of 6.5 miles would be in the region of £2,500 per year.
- 3.27 A further option under consideration is a 'banding' option that takes into account the differing levels of need of students and the opportunity this would give parents to make their own arrangements in a more cost effective way. Because this would also result in Passenger Transport no longer directly providing transport the bands would be established through a one-off assessment of current spending and used as a benchmark in future years. The setting of bands is based on a basic starting point that the current cost of providing transport is broadly related to level of need e.g:
- Children with the lowest level of need have more learning settings available to them (therefore shorter journeys) and may be supervised by a shared escort rather than needing a one-to-one escort.
 - Some children need one-to-one escorts e.g. because of behaviour
 - Some children need a medical escort

- Some children need a (more expensive) wheelchair accessible vehicle
- Some children need to travel longer distances because a higher level of need means they have to travel further to reach somewhere that can meet those needs.

3.28 Establishing a set of bands for the award of PTB's would involve a detailed analysis, possibly on a case by case review of current packages, prior to and/or during consultation. This detailed analysis would assess the varying costs associated with the different transport solutions put in place to meet the differing needs bullet-pointed above. The PTB's subsequently awarded would reflect the fact that parents are in a position to find their own solutions more efficiently than through the Authority directly providing it for them. This option also has the potential to generate sustainable savings of £1m. A summary of all options considered is at appendix 1 and an example of a banded package, for illustration, is at Appendix 2.

4. Corporate Considerations

4.1 Consultation and Engagement

4.1.1 A full consultation exercise will take place during January – April 2016 and an outline of the process, items for consideration and summary timetable are contained at appendix 3.

4.1.2 A Children & Families Scrutiny Working Group has been convened, and an initial meeting has taken place. A broad discussion about the proposals was held and advice & support in respect of approaching a consultation exercise was provided by the group. Particular recommendations of the working group were noted for consideration in the consultation process, including:

- The appropriate involvement of young people
- Learning the lessons of previous consultation in terms increasing the reach of consultation
- Securing the support of a range of agencies in maximising consultation reach and effective communications
- A focus on the possible impact on those with the highest level of need
- Identifying avenues through which to minimise possible impact on other services

4.1.3 The working group will be reconvened during the consultation process.

4.1.4 For each of the options under consideration one of the consultation aims would be to gain an understanding of the impact on different families, taking into account that students have a wide range of different needs and abilities, and that journey lengths vary between less than one mile to nearly 20 miles.

4.1.5 The consultation exercise will include an assessment of the possible impact on students and families. In addition, in keeping with our values and our commitments within the CYPP, we would aim to incorporate other proposals provided by families during consultation. We would also seek the views of partner agencies within and outside the council to consider the impact on other services.

- 4.1.6 Any subsequent policy change would be phased in and we would communicate with families well in advance to ensure that parents had sufficient time to plan ahead when thinking about their child's transition from statutory education to post-16 education. We would aim to secure views through consultation about the impact and management of transition through education milestones.

4.2 Equality and Diversity/Cohesion and Integration (EDCI)

- 4.2.1 An equality screening form has been completed which is attached as Appendix 4. The screening has identified the need to carry out a full Equality Impact Assessment (EIA). The full EIA will help to inform the necessary steps to ensure that the Council complies with its equality duties.

4.3 Council policies and Best Council Plan

- 4.3.1 The proposals contribute to the Best Council aspiration of being an enterprising and efficient council; one that is economically successful whilst retaining a compassionate discretionary transport offer for Post-16 SEND students. They will increase the proportion of people who use services who have control over their daily lives.
- 4.3.2 The proposals meet with our aspiration in the Children and Young People's Plan (C&YPP) to create a new social contract between the state and our citizens so that the emphasis of all our practice is on **working with** children and families, rather than doing things **to them** or **for them**. The proposals present an opportunity for families find their own lasting solutions to the challenges they face, and to be equipped with the resilience to move forward successfully
- 4.3.3 Ensuring the continued efficient use of resources as outlined will ensure that investment in a range of other services for children with complex needs may be retained, such as contracted provision and Direct Payments for short breaks activities and individual support work.

4.4 Resources and value for money

- 4.4.1 The current total expenditure on discretionary post 16 SEN transport is approximately £1.7m. It is not considered that this expenditure continues to represent the best use of resources or value for money in context of the Best Council Plan.
- 4.4.2 As a result of the delay in implementing previously planned changes any future savings will now be delayed until phasing in of any new policy may commence in the 2016/17 academic year. Savings will continue to be made through alternative service provision such as Independent Travel Training
- 4.4.3 The impact of demographic growth is already being felt in a growing demand for statutory transport provision among children of statutory school age; this increases the need to deliver a more efficient post-16 SEND transport offer now, in order to sustain that offer into the future.

- 4.4.4 Rigorous gate-keeping procedures will continue to be used to check that all expenditure in this area is legitimate and proportionate to need.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Whilst there is no statutory requirement for the provisions of post-16 SEND transport the authority has historically made a generous discretionary arrangement. This does not mean that the authority cannot change the provision. The authority is mindful of the impact changes may have. As part of the process there would need to be an assessment of the likely impact change would have on learners wishing to continue in post-16 education. We must be mindful of the Authority's public sector equality duty. Consultation is key as well as the necessary equality impact assessment.

- 4.5.2 This report is subject to call in.

4.6 Risk Management

- 4.6.1 Previous experience of implementing change in other areas of discretionary mainstream transport assistance suggest that changing the offer to post-16 SEND students will be unpopular.
- 4.6.2 There is a risk that changing the offer of transport assistance for post-16 SEND students will result in a change in the numbers participating in education. This risk is reduced by the increased ITT offer which has been functioning at an increasing level during the last 12 months having successfully been scaled up. This will ensure that every child who has the potential to complete ITT will have the opportunity to do so. With work currently underway to retender the ITT Buddy contract, our ITT will extend to students transferring to ASC services who were not ready to travel train whilst in post-16 education or who need a small amount of retraining for new journeys.
- 4.6.3 It is currently the case that after completing studies at 6th form age the number of students continuing in Further Education begins to diminish year-on-year as they and their parents make new choices about their futures leading up to their 25th birthday. Analysis of November 2015 shows that just 55 post-19 students have transport provided for them, whilst approximately 230 are in the 16-19 age band. As students move on from 6th form some of them are likely to enter ASC services and receive transport assistance to alternative settings. This risk is mitigated by the opportunities offered by ITT and the retention of some level of discretionary support.
- 4.6.4 Whereas it is intended to increase choice and flexibility for parents, it is possible that some students may transfer at an earlier age into ASC services. Whilst it is important that we increasingly move towards supporting families to fulfil their responsibilities in finding their own transport solutions, in the process removing reliance upon the authority to do it for them, attendance in Further Education needs to remain a viable option for young people wherever possible. This will be taken into consideration during consultation.
- 4.6.5 To further minimise the impact on ASC transport, Children's Services have developed a closer working relationship in the management of ITT during the last year. Children's Transport is now in the process of retendering the contract for

travel buddies for the coming 3-5 years. The new contract will extend the offer of travel training to younger recipients of ASC services, in the process reducing the cost of transport for ASC and simultaneously increasing the availability of ITT for learners right through the 16-25 age range and beyond. This close collaboration between the two services will ensure that all those with potential for independent travel during the transition from childhood to adulthood will have the opportunity to receive it.

5 Conclusions

- 5.1 There is an aim to introduce changes to the children's transport policy for post-16 SEND students. It is intended to extend choice and flexibility whilst spending money wisely and retaining a compassionate offer.
- 5.2 It was necessary to pause a previous public consultation on future post-16 SEND transport policy, pending the preparation of new proposals for consultation.
- 5.3 New proposals have now been prepared for consultation. These proposals each involve ceasing to arrange and provide transport for students and to instead work restoratively and empower families to find their own lasting transport solutions through the provision of a personal transport budget.
- 5.3 Existing SEN transport policy will be preserved pending the preparation of a new policy to be submitted for the approval of a future Executive Board.

6. Recommendations

- 6.1 The Executive Board is asked to approve the recommendations outlined below:
 - 6.1.2 To note the completion of the review of special needs passenger transport within the authority which is deployed by CEL on behalf of Children's Services and Adult Social Care.
 - 6.1.3 To note the opportunities for further promoting inclusion in travel options through ITT, while reducing costs and dependency.
 - 6.1.4 To note the demographic pressures relating to the increase in the number of children with an EHC plan (which replaced the statement of Special Educational Needs.)
 - 6.1.5 Agree that a new consultation takes place during January-April 2016 to assess the likely impact on young people and families of new proposals. Consultation will centre on a range of options, each of which may be subject to a final round of detailed analysis of the granular data prior to consultation commencing. The following options for consultation will involve ceasing the direct organisation and provision of transport for post-16 SEND students, and instead offer:
 - A personal transport budget equivalent to the cost of one or two Metro passes, dependent on whether a student would need accompanying on their journey

- A personal transport budget comprising the offer of a mileage allowance to parents, typically in the range of 50p - £1 per mile
- A personal transport budget based on a rate-banding system that takes into account the differing levels of need of students and the opportunity this would give parents to make their own arrangements in a more cost effective way.

6.1.6 Agree that the findings of the consultation be used, if appropriate, in the preparation of a new Post-16 SEND transport offer. It is currently planned for this to be presented to a future Executive Board for approval anticipated to be in July 2016

6.1.7 Note the officer responsible for implementation is the Head of Commissioning and Contracting.

7. Background documents¹

7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Appendix 1

Option	Projected Saving	Summary of Considerations
1: Disregarded as an Option: No change to policy	£0	Does not support Best Council Plan
2: Disregarded as an Option: <ul style="list-style-type: none"> Continue to provide current levels of assistance Charge each student the equivalent cost of one or two metro cards, depending on whether they need accompanying on journeys 	£173,000 - £337,000	<ul style="list-style-type: none"> Would require administrative resources Risk of default and subsequent action needed Does not empower families to make their own decisions
3: Disregarded as an Option: <ul style="list-style-type: none"> Retain existing support for SEND students of 6th form age but stop providing transport for students above 6th form age (post-19) and offer a personal budget equivalent to the cost of one or two Metro cards instead, depending on whether they need accompanying on journeys 	£320,000 - £400,000	<ul style="list-style-type: none"> Would maintain a level of discretionary assistance for all Post-16 SEND students above that offered to mainstream students Empowers families with post-19 students to make their own decisions Incompatible with Best Council Plan and C&YP Plan
4: For Consultation <ul style="list-style-type: none"> Stop providing transport for all post-16 students Provide a personal budget equivalent to the cost of one or two Metro cards, depending on whether they need accompanying on journeys 	£1.3m - £1.5m	<ul style="list-style-type: none"> Would maintain a level of discretionary assistance for all Post-16 SEND students above that offered to mainstream students Empowers families to make their own decisions in keeping with the aims of the C&YP Plan and Restorative working
5: For Consultation <ul style="list-style-type: none"> Stop Providing transport for all students Award a mileage allowance of 50p - £1 per mile 	£1m - £1.35m	<ul style="list-style-type: none"> Would maintain a level of discretionary assistance for all Post-16 SEND students above that offered to mainstream students Empowers families to make their own decisions in keeping with the aims of the C&YP Plan and Restorative working
6: For Consultation <ul style="list-style-type: none"> Stop providing transport for all post-16 SEND students Introduce a rate-banding system that takes into account the differing levels of need of different students and the opportunity for parents to make their own arrangements in a more cost effective way 	£1m (see appendix 2 for an example model)	<ul style="list-style-type: none"> Would maintain a needs-based level of discretionary assistance for all Post-16 SEND students above that offered to mainstream students Empowers families to make their own decisions in keeping with the aims of the C&YP Plan and Restorative working

Appendix 2 – Banding Option

The potential for awarding a Personal Transport Budget (PTB) that takes some account of individual need. This is based on the premise that the current cost of providing transport is broadly related to level of need. Typical examples include:

- Some children may travel in a shared vehicle
- Some children may need some supervision when travelling in a shared vehicle
- Some children need an ‘enhanced’ escort e.g. because of behaviour or medical needs
- Some children need one-to-one arrangements with additional support

Process:

1. A one-off exercise to assess the current cost of different types of transport provision to use as a benchmark for future years
2. Stop providing transport
3. Award a Personal Transport Budget (PTB) based on a rate-banding system that takes into account the differing levels of need of students and the opportunity this would give parents to make their own arrangements in a more cost effective way.

Band	Groupings	No. in Cohort	In House Unit Trip Cost £	Current Total Cost £	Rate Banded PTB £	Future Cost £
A	Driver and Vehicle	125	11.29	550,410	1,750	218,750
B	Driver , vehicle and escort	90	17.02	597,525	2,750	247,500
C	Driver, vehicle , Enhanced escort or Nurse	59	19.93	458,681	3,250	191,750
D	One to one transport (assume enhanced escort)	13	21.93	111,172	4,000	52,000
		287		1,717,788		710,000

Appendix 3

Outline for Post-16 SEND Transport Consultation

1.0 Key considerations:

- 1.1 We will ensure that we are as clear as possible on what decisions those consulted can affect. This will include where are we still to complete further analysis on overall delivery options, or details of delivery, or ways to mitigate impact
- 1.2 We will be clear on what information we need to help us make those decisions. In this instance it will be information on the likely impact and viability of each delivery option, from the perspective of each consultee.
- 1.3 We will be clear who the stakeholders are – who we need to consult with – and their roles. It is intended that partner organisations such as SILCs and any organised representative parent/families groups will be engaged before service users (within an overall consultation period), for the following reasons:
 - A. To benefit from their expert views on our proposals, allowing revision prior to consulting service users
 - B. To demonstrate our values in action, of working with partners and listening.
 - C. To design the best ways to engage service users, with the active support of partners' networks and influence
- 1.4 We will be clear what other high-level delivery options we have already considered and discarded, with brief explanation why this has been the case (as in Appendix 1 of the report). Recent Supreme Court rulings on consultation processes make this a vital component of the process.
- 1.5 We will ensure the consultation and all supporting information is accessible to all consultees, by offering a range of self-service or supported ways to take part.
- 1.6 We will allow open space in the consultation for service users to offer their own refinements to each delivery option, but be clear that whilst entirely new proposals may be incorporated into proposals they may problematic to consider exclusively in isolation.
- 1.7 We will be clear from the outset how all consultees will receive feedback on the overall findings and proposed actions arising from the consultation.
- 1.8 We will consider if there are opportunities for ongoing involvement of service users in the design of mitigation once we start to implement the agreed delivery model.

- 1.9 We will consider if there are advantages of using a skilled independent third party to deliver aspects on this consultation. While there is likely to be a cost, this may further increase confidence in the objectivity and impartiality of the consultation.
- 2.0 Advice provided by the Children and Families Scrutiny Working Group has been noted and will additionally be incorporated into the consultation process, with particular reference to:
- The appropriate involvement of young people
 - Learning the lessons of previous consultation in terms increasing the reach of consultation
 - Securing the support of a range of agencies in maximising consultation reach and effective communications
 - A focus on the possible impact on those with the highest level of need
 - Identifying avenues through which to minimise possible impact on other services
- 2.1 A further Scrutiny Working Group will be convened during the consultation process

3.0 Proposed outline timetable for consultation.

W/C 18 th January 2016	<u>CONSULTATION OPENS</u> Begin consultation with key partners to refine detail of Delivery Options and gain support for delivery of consultation to service users
W/C 1 st February	Finalise content of letters, info and questions to families
W/C 8 th February	Begin 8-week consultation with young people and families – ensure all are contacted on Day 1.
Sunday 3 rd April	<u>CONSULTATION CLOSES</u>
End Friday 8 th April	Collation of survey feedback
11 th April – 29 th April	Analyse feedback, write recommendations into Exec board report, Complete EIA
	Time allowed for slippage additional analysis
Mid June	Submission of Draft Exec Board Report etc
Mid July	Exec Board Meeting (Proposed)
Late July	Call in period
Early Aug	Update Webpage and contact consultees with outcome
Monday 7 th Sept	Start of new academic year – reminder of one year notice of changes
	Changes needed to admissions booklet

4.0 Possible structure of consultation lines of enquiry

4.1 Reaction to Delivery Option 1

- a) Level of empowerment offered
- b) Impact on child
- c) Impact on work patterns/lifestyle
- d) Impact on finances
- e) Other impacts
- f) Suggestions for revision or mitigation (not replacement) of Option

4.2 Reaction to Delivery Option 2 - as for 3.1

4.3 Reaction to Delivery Option 3 - as for 3.1

4.4 Overall preferred Delivery Option

4.5 Other relevant Comments

4.6 Equality monitoring

4.7 Invitation to stay involved

Appendix 4

Equality, Diversity, Cohesion and Integration Screening

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: Strategy & Resources and Children's Services	Service area: Civic Enterprise Leeds and Children's Transport
Lead person: Julie Meakin / Sue Rumbold	Contact number: 39 50074 / 37 83634

1. Title: Children's Services transport policy - discretionary post-16 SEND transport consultation process			
Is this a:			
<input type="checkbox"/> Strategy / Policy	<input checked="" type="checkbox"/> Service / Function	<input type="checkbox"/> Other	
If other, please specify			

2. Please provide a brief description of what you are screening
<p>The provisions of the Children's Services transport policy as they apply to discretionary post-16 SEND transport assistance.</p> <p>It is intended to consult the public on possible alternative methods of providing transport assistance. Currently, where post-16 students with special educational needs and/or disabilities (SEND) are eligible for discretionary transport assistance, the council provides this transport in the majority of cases. It is intended to consult on a range of options which centre on the provision of a personal transport budget (PTB) to empower parents and young people to find their own lasting transport solutions as an alternative to the council doing this for them.</p>

<p>3. Relevance to equality, diversity, cohesion and integration</p> <p>All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser</p>

<p>relevance to equality, diversity, cohesion and integration.</p> <p>The following questions will help you to identify how relevant your proposals are.</p> <p>When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation. Also those areas that impact on or relate to equality: tackling poverty and improving health and well-being.</p>		
Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?	x	
Have there been or likely to be any public concerns about the policy or proposal?	x	
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?	x	
Could the proposal affect our workforce or employment practices?		x
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 	x	

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration
<p>If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment. Please provide specific details for all three areas below (use the prompts for guidance).</p>
<ul style="list-style-type: none"> • How have you considered equality, diversity, cohesion and integration? (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)
<ul style="list-style-type: none"> • Key findings (think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)
<ul style="list-style-type: none"> • Actions (think about how you will promote positive impact and remove/ reduce negative impact)

5. If you are not already considering the impact on equality, diversity, cohesion and integration you will need to carry out an impact assessment .	
Date to scope and plan your impact assessment:	Jan – April 2016
Date to complete your impact assessment	April 2016
Lead person for your impact assessment (Include name and job title)	John Bradshaw, Children's Transport Policy Lead

6. Governance, ownership and approval		
Please state here who has approved the actions and outcomes of the screening		
Name	Job title	Date
Sue Rumbold	Chief Officer Partnership Development & Business Support	
Julie Meakin	Chief Officer Civic Enterprise Leeds	
Date screening completed		

7. Publishing	
<p>Though all key decisions are required to give due regard to equality the council only publishes those related to Executive Board, Full Council, Key Delegated Decisions or a Significant Operational Decision.</p> <p>A copy of this equality screening should be attached as an appendix to the decision making report:</p> <ul style="list-style-type: none"> • Governance Services will publish those relating to Executive Board and Full Council. • The appropriate directorate will publish those relating to Delegated Decisions and Significant Operational Decisions. • A copy of all other equality screenings that are not to be published should be sent to equalityteam@leeds.gov.uk for record. <p>Complete the appropriate section below with the date the report and attached screening was sent:</p>	
For Executive Board or Full Council – sent to Governance Services	Date sent:23/11/2015
For Delegated Decisions or Significant Operational Decisions – sent to appropriate Directorate	Date sent:
All other decisions – sent to equalityteam@leeds.gov.uk	Date sent: