

Report of Director of Children's Services

Report to Executive Board

Date: 17th July 2013

Subject: Outcome of the transport consultation and proposed changes to the Children's Services transport policy



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| 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. Leeds City Council has a statutory duty to provide free transport to all qualifying students aged 5-16. In addition Leeds has historically provided more than is required in the form of discretionary free transport to qualifying students wishing to attend the following: their nearest designated faith school; an appropriate post 16 mainstream school or college; an appropriate post 16 school or college for students with a statement of special educational need (SEN), and, in some instances, to attend a school that is not the nearest.
2. The current transport policy¹ provides the detail and circumstances under which free transport is currently provided.
3. In February 2013 the Executive Board gave permission to consult on all elements of the delivery of free children's transport but in particular to consider in detail whether any or all of the current discretionary elements should be withdrawn on affordability or other grounds.
4. This report presents the outcome of the consultation and seeks permission to implement the recommendations outlined below by approving the attached draft updated transport policy (Leeds Children's Services Transport Policy) (appendix 1).

¹ The policy for the provision of home to school or college transport for children and students prior to their 19th birthday

Recommendations

The Executive Board is asked to:

- note the extent of the consultation on changes to the current home to school transport policy
- note the specific agreement of key partners (e.g. College Principals, Metro, faith partners and school heads) to work with the LA on the implementation of the new policy over the next two years as it is fully phased in
- note the legal implications and risk management sections of this report
- note the receipt of a petition submitted on behalf of a faith group wishing the authority to retain current provision
- approve the attached new draft 'Leeds Children's Services Transport Policy' – appendix 1 and
- approve the recommendations outlined below.

The following options are recommended for approval by the Executive Board:

Statutory provision

The Executive Board is asked to approve a fundamental remodelling of all statutory provision where it is safe to do so. This would take place following individual assessment of need. There is no intention to make any immediate changes to how statutory services are provided without proper assessment and, where appropriate, liaison with affected parties. Some of the proposed changes, which would continue to meet the Council's statutory obligations, would include:

- introducing more independent travel training opportunities
- replacing, wherever possible, the current automatic provision of taxis with a pass to enable free travel on public transport
- introducing a wider partnership approach to providing transport services
- developing a more flexible approach in partnership with parents/carers

Discretionary provision - post 16 SEN home to school/college

In relation to this recommended option the Executive Board is asked to:

- agree that the proposed provisions of the new Children & Families Bill should be kept under review and any implications taken into account in the implementation of a new policy.
- agree to the principle that in the first instance parents/carers not eligible for statutory support should be expected to organise and fund the transporting of their own children to school or college.
- agree to support the proposal that the delivery of statutory low level need should continue to be re-modelled with the appropriate use of independent travel training, and, in order to be more efficient and cost effective, review the delivery method of all intermediate and complex need transport provision over the next twelve months.
- agree that for those post 16-19 SEN students already attending school/college (including those due to start in September 2013) the current offer would remain in place for a further academic year (2013/14).

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- agree **in principle** that following a detailed assessment by Children's Services, where it is deemed not possible for the parent or carer to transport their child/young person to school/college, and the provision of a taxi or similar is the only safe, cost-effective and appropriate way of transporting the child/young person, the authority would provide a personalised means-tested budget towards the cost of transportation.
- agree that this budget should be provided on a means-tested basis only from September 2017, but phased in over a three year transitional period from September 2014 for all existing recipients. At this stage it is proposed that the budget could reasonably be set at a maximum of up to £5,000 per annum for all new means-tested applicants once the policy is approved, but this figure, and any proposed transitional arrangements, would first need to be considered and agreed by Executive Board.
- agree that further detailed work should take place during 2013/14 in order to develop an implementation plan and establish robust eligibility criteria. It would be unwise for Executive Board to formally approve the changes to this part of the policy at this stage without detailed planning as it may lead to unintended consequences. Until Executive Board approval, therefore, this aspect of the new policy would remain as it is currently described in the current policy.
- agree that the future proposals should continue to be developed and reported back to Executive Board with the relevant detail. The proposed model has been initially budgeted; the indications are that savings in the region of **£1.25m** in 2014/15 rising cumulatively to **£2m** in 2015/16 and **£2.2m** in 2016/17 would be achievable against the current spend of **£2.6m**.
- agree to preserve the current offer for existing students and new September entrants for a further year. This will allow the necessary planning to take place and also enable further discussion with service leads and strategic partners on the most sensible way of implementing any proposed changes.
- agree that independent travel training would continue to be available during that time, including access to a valid pass for travel on public transport across West Yorkshire, paid for by the local authority.

Discretionary provision - faith transport

In relation to this recommended option the Executive Board is asked to:

- agree to provide discretionary transport for a further two years, until 31st August 2015, for all those currently receiving 100% support.
- agree that from 1st September 2015 all discretionary transport provided solely on the basis of religion or belief, would be withdrawn.
- agree that from 1st October 2013 new applicants, who do not meet the requirements of the new policy for local authority support, will only be eligible to travel on the relevant service on a parent-to-pay basis. They would be advised to obtain a Young Person's PhotoCard (often referred to as a half-fare pass).

Discretionary provision - post 16 mainstream home to school/college

In relation to this recommended option the Executive Board is asked to:

- agree to continue to fund post 16 mainstream discretionary transport for a further two years, until 31st August 2015, for students who enrol on either a one or two year course for the academic year 2013/14.
- agree that new applicants from 1st October 2013 would be recommended to obtain a Scholar's PhotoCard (often referred to as a half-fare fare pass) in order to travel on regular service provision at a discounted rate.
- agree that from 1st September 2015 all post 16 discretionary mainstream free transport would be withdrawn.

Discretionary provision - not the nearest school

In relation to this recommended option the Executive Board is asked to:

- agree to provide discretionary transport for a further two years, until 31st August 2015, for all those currently receiving 100% support.
- agree that from 1st September 2015 all discretionary free transport provided, if it is not the nearest qualifying school, would be withdrawn.
- agree that from 1st October 2013 new applicants, who do not meet the requirements of the new policy for local authority support, will only be eligible to travel on the relevant service on a parent-to-pay basis. They would be advised to obtain a Young Person's PhotoCard (often referred to as a half-fare fare pass).

In summary, the Executive Board is being asked to decide whether or not some or all of the current statutory and discretionary children's transport should be changed or withdrawn and to what extent.

Purpose of this report

- 1.1 The purpose of this report is to present the outcomes from the recent public consultation on the current transport policy.
- 1.2 To make recommendations to be included in a new policy and for the Executive Board to approve the new draft policy (appendix 1).

1. Background information

- 2.1 Current provisions are described in the current Children's Services Transport Policy (*The policy for the provision of home to school or college transport for children and students prior to their 19th birthday*). This policy was produced following the Education & Inspections Act 2006 to cover the new statutory demands for extended rights to free home to school travel.
- 2.2 A report was submitted to Executive Board in February 2013 requesting permission to consult on the future provision of transport in Leeds for children and young people. This included a proposal to review all elements of both statutory and current discretionary provision. It also proposed exploring how the Council might work better with key partners in order to improve overall provision in support of Leeds' ambition to be a Child Friendly City. It further invited participants to put forward proposals and ideas about how the authority might do things differently in order to improve the quality of the service at the same time as reduce costs.
- 2.3 It was made clear from the outset that, whilst 'no change' was not an option, the authority was nevertheless seeking new and innovative ways of delivering the total children's transport offer, not just that currently provided on a discretionary basis.
- 2.4 The local authority is required to make the necessary arrangements to secure the attendance of children at school who are of statutory school age i.e. aged 5 to 16. The way this is undertaken is laid down in the current policy and is largely discharged on a fixed geographical and low income basis, as stipulated in the current legislation. The approximate projected cost associated with this duty is **£6.32m per annum** and covers both mainstream and SEN provision. This does not include the projected increased demand in 2013/14 of approximately **£770k** for SEN provision. It is anticipated that without active management this demand trend will continue in future years; potentially rising from the current projected level of **£16.63m** to approximately **£25m** per annum.
- 2.5 The discretionary elements currently include transport for:
 - the children of parents who express a preference to attend a faith school (2,600 students - £0.8m)
 - post 16 mainstream school or college (4,245 - £1.36m)
 - post 16 SEN school or college (350 - £2.6m) and
 - attendance at a school that is not the nearest (within 15 miles) where a place cannot be offered at the nearest school (181 - £150k)

These discretionary elements cost **£4.91m per annum** in total.

- 2.6 Most neighbouring local authorities and statistical neighbours have already withdrawn the discretionary elements of both faith and post 16 mainstream transport. Many other local authorities nationally have also done so, or are in the process of undergoing

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consultation, although the majority of the Core Cities still retain some elements of discretionary provision (appendix 2).

- 2.7 In respect of school admissions the local authority has a specific statutory responsibility to publish information no later than 12th September in the 'offer year' about how parents can express their school preferences. As part of this the authority must include details of the transport arrangements including, but not restricted to, '*the provision of free transport*'; '*the arrangements for children with special educational needs*' and '*the arrangements in respect of transport for pupils to schools for which a pupil's parent has expressed a preference on the grounds of the parent's religion or belief*' (The School Information (England) Regulations 2008).
- 2.8 Section 509AD of the Education Act (1996) places a duty on local authorities, when exercising their travel functions, to have regard to, amongst other things, any wish of a parent for their child to be educated at a particular school on the grounds of the parent's religion or belief (there is a similar obligation to have regard to the wish of a person of sixth form age). Section 9 of the Education Act further strengthens this obligation by stipulating that local authorities "*shall have regard to the general principle that pupils are to be educated in accordance with their parents' wishes, so far as it is compatible with...the avoidance of unreasonable expenditure.*"
- 2.9 It may be considered unreasonable, therefore, to introduce changes to the current transport policy without proper notice, as outlined in the School Information Regulations 2008, where the rules for informing parents of the arrangements for securing the admission of their child to a school are clearly laid out. The information published in the relevant booklet (Starting secondary school in Leeds – a guide for parents and carers 2013 to 2014) states in the introduction to the transport section that '*the transport policy is subject to consultation at any time...*' It goes on to say that '*should there be any changes to the policy, (in relation to free school transport) we will write to parents who are currently applying for school places...in case the changes would affect the preferences you have made*'.
- 2.10 The above reference implies that there would be the option to change preference if the changes materially affected the previous choice. The withdrawal of funding in September 2013 would be a material change and, of course, preferences have been made and at this stage there has been no communication with affected parents. The final relevant section on 'free school transport' states that '*if your child is granted free school transport, this will usually continue throughout their time at school*' and goes on to say that it would be reviewed '*if you or your child move house...or change school*'.
- 2.11 There is also approximately **£2.3m per annum** expenditure incurred supporting approximately 750 looked after children in the city. Much of this support is covered by the council's statutory responsibilities as a corporate parent. There is flexibility, however, in how this support could be provided. It covers some of the costs associated with transport to schools; contact arrangements; short breaks and leisure activities. The authority is currently actively working towards supporting as many looked after children as possible to travel independently based on level of risk, ability and need.
- 2.12 Finally, in terms of total expenditure, the authority currently spends (via Metro) **£3.1m per annum** supporting the provision of the concessionary half-fare for children and young people aged 5-18. Currently young people (aged 11-18) have to pay for the administration costs of a photo ID (£2 each) and provide 2 photographs. Over 100,000

young people are eligible for the PhotoCard, and for each journey made there is a shared cost by the authority and the bus operator. Currently, however, only 40,000 young people access this benefit. A campaign is currently being launched to increase the uptake to as near 100% as possible. The total cost also includes managing the commissioning arrangements for new tenders and the running of a small team.

- 2.13 The total projected local authority expenditure, therefore, on all children's transport is approximately **£16.63m per annum**. The full details are contained in appendix 6.

3. Main issues

General points

- 3.1 An initial period of twenty-eight days consultation on changes to the policy was put in place, but due to the intense level of interest this was subsequently extended for a further twenty-eight days. This was in order to maximise the opportunity for as wide a contribution to the process as possible.
- 3.2 A project team was established to lead on the consultation and was made up of senior officers from Children's Services. This team led on all the business planning processes required to safely manage such a complex consultation process.
- 3.3 A communications plan was developed with the aim of ensuring as many key stakeholders as possible were made aware of the consultation process. A further direct update was provided at the point that the consultation period was extended. This provided an ideal opportunity to raise awareness in the last few weeks of the consultation period. A Consultation Briefing paper was specifically prepared for this purpose (appendix 3).
- 3.4 An executive summary, outlining both the main findings from the survey and the overall consultation process is also attached at appendix 5. It includes a summary of the methodology; the concerns expressed, and a response to those concerns. The full Transport Consultation paper is provided as a background paper.
- 3.5 Executive Board is asked to note that the proposed policy will continue to ensure that children and young people who are eligible under the extended statutory eligibility criteria for low income families and geographical criteria will continue to receive home to school transport paid for by the local authority. This includes providing transport free of charge to children aged 11-16 from qualifying low income families on the grounds of religion or belief between 2 and 15 miles from home. This support is grant-funded by central government.

Post 16 SEN

- 3.6 The option for post 16 SEN includes the phasing out of 100% subsidised provision over the next 12 months (by Sept 2014) and the full introduction of a means-tested arrangement compatible with the current approach by adult services by 2017. There was a high level of support, however, throughout the consultation for the continuation of some levels of discretionary funding subject to a thorough assessment. There was also widespread support for the rapid expansion of independent travel training (ITT).
- 3.7 The current discretionary service, therefore, would be retained as part of a 3 year transition arrangement whilst more fundamental reviews are undertaken on how it is

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currently provided. It will also allow the authority to take into account the provisions of the new Children & Families Bill when enacted. In particular the introduction of a means-tested contribution would significantly mitigate the current costs. There was some support for this as a principle during the consultation.

- 3.8 This option would generate savings of approximately **£1.25m** in 2014/15 and cumulatively **£2.0m** in 2015/16. There would be a residual cost of **£200k** in 2016/17 for students completing their studies and a longer term annual commitment in the region of **£400k** compared to the current projected spend of **£2.6m**.
- 3.9 A new service, based on the Access Bus model, would also be made available using a range of local pick-up points on a payment basis.
- 3.10 Consideration was given to removing eligibility from the age of 19 or 21 but in all likelihood this would simply mean that the cost would transfer to Adult Social Care as the service currently provided to adults is means-tested. Thus, providing an annual, personalised, means-tested budget of up to £5,000 per academic year, to all 16-25 SEN students, based on a detailed assessment would fully mitigate this risk.
- 3.11 Children's Services meet with the principals from the Specialist Inclusive Learning Centres (SILCs) on a regular basis and they have committed themselves to working in partnership to achieve the best quality offer at an affordable level.

Faith

- 3.12 A petition has been received from a faith group containing 1,460 signatures of residents, students and workers. The contents of the petition have been included in the overall analysis of the Consultation. The petition was as follows:

to retain free transport to/from home and school for children attending their nearest faith school on the basis of their denomination or faith.
- 3.13 The recommended option, for faith or belief travel, would protect all existing recipients of 100% subsidised provision for a further 2 years, or until the child left the current school or moved house. Consideration was given to a longer period of phasing but this is not recommended as the financial pressure of continuation is too great.
- 3.14 The proposal would incrementally reduce the expenditure until 2015 and would mean that bus operators would be able to wholly mitigate any currently estimated extra cost to the authority.
- 3.15 This level of phasing would be fully compliant with current DfE guidance on providing sufficient notice of changes.
- 3.16 Some faith communities have raised concerns about the changes, and how they are being implemented, but at the same time both Catholic and Church of England diocesan representatives have recognised the significant financial challenges faced by the authority and have committed to working in partnership with the authority to achieve a shared way forward. Two faith high schools in Harrogate have also expressed a wish to work with the authority to implement any changes. This invitation will be extended to all Leeds and other neighbouring authorities where children attend faith schools.

Post 16 mainstream

- 3.17 This option, for post 16 mainstream travel, would protect all existing recipients of 100% subsidised provision until the young person left the current school/college or moved house. Consideration was given to a longer period of phasing but this is not recommended as the financial pressure of continuation is too great.
- 3.18 This option would have the benefit of honouring existing preferences/choices and allow the full introduction of the half-fare concessionary passes free of charge.
- 3.19 There would be on-going discussions with Metro and their contracted operators during the coming year to mitigate the longer term impact and seek more imaginative pricing of fares for children and young people.
- 3.20 The authority meets with the College Principals in Leeds on a regular basis. They have welcomed the opportunity to work with the authority to reach a sustainable solution for post 16 discretionary support throughout the city.
- 3.21 Metro has also offered advice on the operational and commercial implications and has endorsed the overall proposed recommendations as a practical and achievable way forward. Metro is one of the authority's key strategic partners, which organises and manages mainstream home to school transport on behalf of the Council in addition to their wider responsibilities as the Integrated Transport Authority.

Not the nearest school

- 3.22 This recommended option, providing travel support to not the nearest school, would protect all existing recipients of 100% subsidised provision for a further two years, or until the child left the current school or moved house.
- 3.23 Consideration was given to a longer period of phasing but this is not recommended as the financial pressure of continuation is too great.
- 3.24 The proposal would incrementally reduce the expenditure until 2015 and would mean that bus and taxi operators would be able to wholly mitigate any currently estimated extra cost to the authority.
- 3.25 This level of phasing would be fully compliant with current DfE guidance on providing sufficient notice of changes.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Although a variety of methods were used there were three key elements to the consultation process. These were as follows:
- an on-line 'Talking Point' survey for adults (1,601 surveys were wholly or partly completed)
 - an on-line Talking Point survey for children (271 completed) and
 - a range of focus groups with adults, children and young people attended by over 400 people.

- 4.1.2 An offer was made at the outset to all school heads in Leeds (and neighbouring authorities where our children currently attend one of their schools); governors; principals and other key stakeholders, to attend any pre-planned or specific meetings arranged with the purpose of discussing the proposals. In total sixteen meetings were attended by over 400 people. These included specifically arranged meetings at four faith schools; meetings with parents, students and teachers at schools and colleges for children and young people with special educational needs; governors meetings; parent meetings and open evenings.
- 4.1.3 An email box was also set up for the duration of the consultation period, and in total eighty-one emails or letters were received. These ranged from requests for information and meetings to specific queries regarding how to respond to the survey. It also included sixteen responses stating views on the proposed changes; all received a personal reply. Some enquiries came via the Chief Executive and Director and from a wide range of members; others came direct to the advertised email address.
- 4.1.4 In addition to the above the following meetings were specifically organised as part of routine on-going strategic discussions with key partners. These included:
- the Youth Council (approximately 40 members)
 - representatives of the National Youth Parliament
 - Metro
 - representatives of the Dioceses of Ripon and Leeds
 - SILC (Specialist Inclusive Learning Centre) Principals and
 - mainstream college principals.
- 4.1.5 Recognising that not all parties would have time to arrange specific meetings, an outcome based accountability workshop was also run. All key stakeholders were represented at the workshop including: school heads, governors, college principals, transport groups, parents and faith groups.
- 4.1.6 The primary focus of this part of the workshop was to develop longer term plans and solutions on how the authority could best provide transport for the children of Leeds in a safe and affordable way. Over seventy partners were invited; forty actually attended representing twenty-four separate agencies.

4.2 Equality and Diversity/Cohesion and Integration (EDCI)

- 4.2.1 Immediately prior to the consultation period commencing an equality impact screening tool was completed. This indicated strongly that a full EDCI impact assessment should be undertaken. A decision was made at that point to defer completion until after the outcome of the consultation was known so that the views expressed through the surveys could be fully taken into account.
- 4.2.2 The Public Sector Equality Duty outlined in section 149 of the Equality Act 2010 requires that local authorities have “due regard” to the need to eliminate discrimination and advance equality of opportunity between people who share a protected characteristic (such as disability or religion/belief), and for those who do not by, for example, removing or minimising disadvantages suffered by those who have a specific protected characteristic. “Due regard” has been taken by the courts as requiring the decision-maker to be aware of the obligation to have due regard; that the duty should be fulfilled at the time the decision is considered and the duty must be exercised in substance with rigour and an open mind.

4.2.3 As part of the analysis of the findings two full equality, diversity, cohesion and integration (EDCI) impact assessments were undertaken (appendices 4a & 4b); one on post 16 SEN and a further on post 16 mainstream and faith travel. Both processes considered the actual consultation process and the extent to which it had achieved the goal of including all who may be affected by any of the changes outlined in this report. Specific options were outlined making it clear, however, that 'no change' was not an option that would be considered. The process also looked at how the potential changes may affect the respective equality groups if the recommendation to implement a phased approach was approved.

4.3 Council policies and City Priorities

- 4.3.1 The withdrawal of part or all of the current funding provided on a discretionary basis may have an impact on the local environment where our schools and colleges are located. For example, some parents and carers may choose to drive their children to school/college rather than pay for the bus or train fare. If this happens it may have a negative impact on the environment with increased carbon emissions and at the same time affect Leeds' sustainability aspirations.
- 4.3.2 There is a possibility that a change in policy will directly and disproportionately affect those parents who jointly or independently earn enough to make them ineligible for free transport on the grounds of low income. A proportion of these parents may find that it is no longer economically viable to work and pay for the additional cost of transport for their children. The cost of paying for a child to travel on the current service would be in the region of nine pounds per week for services operating within West Yorkshire.
- 4.3.3 Some communities on the outskirts of Leeds are not as well served by public transport; moving east to west and vice versa. This may raise concerns about the type and length of journeys children and young people may have to make, in particular during the early years of their secondary schooling. This has been largely mitigated, however, through partnership working with Metro.
- 4.3.4 It is important that sufficient time is given to consider the impact any changes might have on the decisions parents/carers make. It is also important to ensure that every avenue is explored to mitigate the risk of increased traffic, and that, along with our key strategic partners (particularly schools, colleges and Metro), alternative solutions are thoroughly explored.
- 4.3.5 Young people have actively and directly been involved throughout the consultation. In particular they have had strategic input via school councils and the Leeds Youth Council. They have also had the opportunity to complete the on-line survey and to take part in focus groups. Some of these groups have included young people with a disability. A follow up session will be held with the Leeds representatives of the national Youth Parliament who have expressed a particular interest in children's transport. This will discuss how we can work closely with them to implement some of the proposed changes to ensure they fit with their values and principles.

4.4 Resources and value for money

- 4.4.1 The overall 2013/14 Children's Services budget strategy included savings of **£8m** across the looked after children budgets. At this stage in the financial year the projection is that these savings will largely be achieved but with some slippage around reducing the number of externally provided placements (**£300k**) and the delivery of the

procurement efficiencies (**£700k**). There is, as outlined in this report, continuing demand pressures (**£800k**) in respect of the provision of home to school transport for children and young people with special needs although these are forecast to be mitigated by efficiency savings across the wider transport budgets (**£500k**). The projected income shortfall of **£3.4m** mainly reflects forecast underspends across services which are funded by the Central Schools Budget and a potential shortfall on partner funding in respect of externally provided placements.

- 4.4.2 The Children's Services budget for 2013/14 included anticipated savings of **£2.8m** in relation to the review of all aspects of home to school transport. The financial implications of the recommendations in this paper, namely to phase the implementation of any changes, would mean an additional pressure of **£2.6m** in 2013/14 with significant savings thereafter in 2014/15 and 2015/16. For 2013/14, the **£2.6m** additional pressure is on top of the **£300k** forecast variation on the transport budget which is already recognised in the Directorate's first quarter position and would therefore increase the Directorate's forecast overall overspend to **£3.7m**.
- 4.4.3 A table is provided at appendix 6 summarising the total projected and actual budgeted expenditure on children's transport for the next three years. It outlines the potential savings that could be generated (**approximately £7m**) if a phased withdrawal of discretionary transport is approved together with a remodelling of how some statutory services are provided.
- 4.4.4 A reduction in expenditure over time will assist in managing any potential negative impact or unintended consequences of withdrawing a specific area of funding or introducing new ways of working and introducing new and untested ways of delivering these services.
- 4.4.5 There are clear plans in place to maximise efficiencies across the whole of children's transport expenditure not just those areas currently classified as discretionary; in particular, in respect of current provision for looked after children.
- 4.4.6 Current concessionary half-fare passes for 11-18 year olds are under-used, but with the introduction of 'smart' technology by Metro it will be possible to know where and how often children and young people travel. This will in turn inform better route planning and potentially lead to even greater efficiencies through wider commercial opportunities being made clearer to operators.
- 4.4.7 In summary the proposed cumulative savings are as follows: year 1: in the region of **£1.2m** (based on the original projected spend of **£16.63m**); year 2: in the region of **£4.0m**; year 3: in the region of **£6-7m**. The relatively modest saving projected against the actual budget in year one is largely due to the legal implications and risks associated with immediate implementation, together with a half-year effect.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The current transport policy was the subject of legal challenge in relation to the provision of transport to faith schools on the grounds that it was discriminatory. Providing only statutory services would reduce the risk of the Council being faced with future legal challenges with regard to faith transport as it is currently provided in Leeds.
- 4.5.2 There would be the risk of legal challenge if any services were withdrawn in September 2013 as it would run contrary to the guidance contained in the Schools Information

Regulations (2008) and previous DfES Guidance on Home to School Transport (2007). A phased introduction would seek to mitigate this particular risk.

4.5.3 This report is subject to call in.

4.6 Risk Management

- 4.6.1 When considering changes to transport arrangements for vulnerable young people, appropriate risk assessments need to be completed before moving towards more independent travel. Making the option of travel on public transport available to young people with learning difficulties or disabilities, and to those in public care, must be undertaken on an individual basis, fully considering the needs, vulnerabilities and ability of the young person.
- 4.6.2 The city's increasing birth rate is recognised as an inevitable driver for change. By maintaining the existing policy spending would increase as greater numbers of children move through the school system. In 2001 the annual birth rate was 7,500; by 2013 it had risen to approximately 10,400. An increasing number of these young people have highly complex needs which will add to the financial implications of continuing to deliver these services without change.
- 4.6.3 The provisions currently being contemplated in the forthcoming Children's & Families Bill may impact on any proposal to amend eligibility to free home to school SEN transport. A phased approach, therefore, would enable the authority to take full account of the impact of the new legislation whilst at the same time modelling new ways of delivering both statutory and discretionary provision.
- 4.6.4 Final guidance has not yet been published but at this stage the Bill proposes the introduction of personalised budgets backed up by individual Education, Health and Care Plans from 2014. As further detail and guidance becomes available, the full statutory implications contained in this legislation will need to be incorporated into any new policy. The premature full withdrawal of current discretionary support, or introduction of new delivery methods, could run contrary to the intentions of the proposed new legislation in relation to the personalisation agenda.
- 4.6.5 At a time of intense pressure on council budgets attention is inevitably drawn towards areas of high expenditure especially where there would appear to be the possibility of double-funding as is potentially the case with post 16 SEN transport.
- 4.6.6 The gradual introduction of a means-tested personalised budget, as part of a proposed phased transition, may help to mitigate the impact of the reduction in support, whilst acknowledging the reality that this area of transport expenditure - despite the clear need - is nevertheless entirely discretionary.
- 4.6.7 Due to the size and scale of the risks involved the authority needs to balance the relative merits of the need for immediate savings, and the wish to protect vulnerable children and young people, with the need to mitigate the impact of a protracted legal challenge.

5. Negotiated improvements/efficiencies already under way

- 5.1 Outline business case approval has been given to double the resources within the independent travel training team. This is on the basis that, in addition to the savings and

cost avoidance already achieved, (in the region of **£300k**) a focused re-assessment of all current special need transport provision; more creative work with the looked after children population, and focused work with children during their transition to high school will generate additional total savings in the region of over **£3m over the next 2 years** and more savings thereafter. It is essential, however, that appropriate processes are immediately put in place to enable delivery. Immediate changes to some budgetary accountability and prompt recruitment will also be required to enable these savings to be achieved. Some of the specific activities are summarised below.

- 5.2 From October 2013 it is proposed to introduce a new service in partnership with Metro. The Leeds Access Bus service is currently commissioned by Metro to enable primarily elderly people, and rural communities, to access shopping centres. They are now willing to make up to 13 vehicles available in the first instance to use as part of the future transport arrangements for schools and colleges for young people with a mild to moderate disability. The vehicles are fully equipped to take up to two wheelchair users. It would be also be a useful addition to the independent travel training programme as a stepping stone to greater independence for some more dependent students.
- 5.3 From September 2013 it is the intention of Children's Services, and our local authority partners Passenger Transport, to explore a radical and new way of delivering an integrated service for children with special needs in the longer term. This will initially be undertaken in partnership with a view to establishing a business case for a school to deliver its own service from September 2014. This will save in the region of **£60k** in the first full academic year of operation.
- 5.4 Children's Services have also been working in partnership with the BESD (behaviour, emotional, social difficulties) SILC Principal to change the current provision of individual taxis to students attending their school. A project was established earlier this year to use a combination of independent travel; bus passes and a shuttle bus from the city centre to transport students. This was against the background of very high expense, as all taxis used to carry only one pupil. Of the 103 children on roll, only 21 now require taxis (those identified by the school as being high need/high risk pupils) and the majority are now travelling independently on public transport using passes funded by the local authority. If sustained, the continuation of this approach, and the introduction of a range of additional travel/attendance incentives, would lead to projected annual savings in the region of **£100k per annum**.
- 5.5 The projected saving, arising from replacing the current universal offer with a means-tested personalised budget for post 16 SEN students, would provide savings in the region of **£2m over the next 2 years**.
- 5.6 Discussions have already taken place with Metro that will enable us to secure the continuation of important services, even if it is on a parent-to-pay basis. Some (e.g. Pudsey to Menston) will become a commercial service route from September 2013 at a significantly reduced cost. All parents, including those currently using this service on a pay to travel basis, will benefit directly. The full fare from September 2013 will be £9.25 per week per student using a SchoolPlus Metro Card, which enables unlimited travel seven days a week across West Yorkshire. This compares to an individual cost this academic year of approximately £8 per student just for home to school travel. Thus, for an extra £1.25 per week, the student will receive the added benefit of being able to use the card anytime. The new arrangements will save the authority approximately **£150k**

during the next academic year but thereafter will be an on-going saving achieved directly for parents who are required to pay.

- 5.7 Focused activity on the travel requirements of looked after children is anticipated to generate savings of **£1.25m over 2 years** but robust controls will be required if this saving is to be realised.

6. Conclusions

- 6.1 This has been a complex consultation process with wide ranging implications for children, young people and their families. The interest shown and views expressed have been both passionate and considered.
- 6.2 The recommendations to change the current policy have followed a process of detailed review and careful listening to the views expressed by partners, children and young people and their parents. The proposed changes have considered the overall budgetary context; the vulnerabilities of certain groups, and the need to improve the overall quality of services delivered.
- 6.3 The authority believes that some phasing of changes to the current policy will assist in mitigating the potential impact of any unintended consequences and impact. This is particularly so when considering the viability of existing valued bus routes; traffic flow; parents' preference for a continuing faith education or not, and reducing the cost of existing services by improved processes and assessment.
- 6.4 Young people have had several opportunities throughout the consultation process to make their views known. This will continue as any changes are implemented.
- 6.5 The consultation process generated a very good response with over 2,200 adults, children and young people being directly involved. This is a clear representative sample with a response rate of 26% by those totally unaffected by any changes.
- 6.6 There are major budget implications if no change in policy is agreed in readiness for 2013/14 as, not only will savings be unachievable in this financial year, it will also leave a legacy of uncontrollable expenditure for many years to come. It is estimated at this stage that based on population growth; increased fuel costs and increased high needs, no change to current arrangements would lead to an increase in expenditure over 5 years from **£16.63m** to approximately **£25m**.
- 6.7 If the recommendations contained in this report are approved an inclusive Implementation Group will be established, which will report directly to the Children's Trust Board on progress.

7. Summary of Options

- 7.1 Overall the Executive Board is asked to approve the core principle that opportunities for efficiencies should continue to be explored in all areas of transport expenditure; statutory as well as discretionary. Progress has already been outlined in section five of this report but this activity now needs to be sustained over a number of years with a commitment by all senior leaders and managers to a cultural shift in how services are provided in the future.

- 7.2 The consultation process has shown that, whilst parents; children and young people, and wider partners are concerned about the risks surrounding the withdrawal of current support, there was also an implicit acknowledgement that the authority had a duty to ensure expenditure was brought under control and to explore new ways of working.
- 7.3 It appears to be accepted by a sizeable proportion of those consulted that this will inevitably involve some changes to the future delivery of current discretionary provision, but should also include a cultural shift in the way all children are supported to travel safely. There was also a firm view that this should also include those with special needs as part of supporting them in their successful transition into adulthood.
- 7.4 There is, for example, a strong case to be made for supporting the proposal that the delivery of statutory low level SEN transport need should continue to be permanently remodelled with the appropriate use of independent travel training. The lessons learned are very powerful from the recent pilot with the BESD SILC. This approach can easily be expanded for use with other cohorts on an assessed risk and need basis. As parents see the benefits it would reassure them that their children are safe and gaining valuable life skills in the process.
- 7.5 In order to be more efficient and cost effective, it is also proposed that an immediate review is undertaken of the delivery method of all intermediate and complex need provision so that the right service is being provided to the right children at the right time, whilst keeping under review the proposed provisions of the new Children & Families Bill.
- 7.6 The specific options below were considered:

No change

- 7.6.1 A reasonably common request made during the consultation was that the authority should not make any changes to any of the current discretionary provision as the current system worked well and was highly valued.
- 7.6.2 It was made clear from the outset of the consultation, however, that due to severe financial constraints 'no change' was not an option that could be considered. This option would not provide any savings and would leave the authority in the position of continuing to operate a policy that is insufficiently flexible and responsive in a modern city. It would also leave a residual risk of legal challenge against the current policy of free transport being provided on the basis of religion or belief.
- 7.6.4 Children's Services would also be left with a high risk that the budget will be overspent in this area of business for many years to come due to the uncontrollable nature of some of the expenditure. The projected increase is estimated at **£8.5m over 5 years**.

For these reasons this option is not recommended for consideration.

The immediate withdrawal of all discretionary provision from September 2013

- 7.6.5 Whilst this option would generate immediate pro-rata savings of **£4.91m**, and would secure longer term savings, it would not take into account the strength of feelings expressed throughout the consultation process, and would place too much emphasis on specific areas of delivery to the exclusion of others; namely discretionary over delivering more efficiencies from statutory provision.

- 7.6.6 It has been the view of Children's Services throughout that all transport provided, including statutory, and the way it is delivered, should be reviewed. It has already been demonstrated that there are plans in place to change the way some of the statutory and discretionary services are currently provided.
- 7.6.7 An initial cost analysis by Metro of the impact of immediately withdrawing faith and post 16 mainstream transport has shown that, whilst immediate savings could be made, there would be a short-term impact that could cost the authority in the region of up to **£1.1m** in the first year of implementation. The analysis has concluded that this cost could not be mitigated. Furthermore it would also mean that the savings recently negotiated with providers, as part of the commercialisation of some routes, would not be realised. In addition, due to the change only being introduced half way through the year, the savings would only be approximately 50% of current expenditure in 13/14. The projected approximate net saving in 2013/14, therefore, is in the region of **£500k to £1m**. The full saving of **£4.91m**, however, would be realised in year 2.
- 7.6.8 There would be a high risk of legal challenge if any services were withdrawn in September 2013 as it would run contrary to the guidance contained in the Schools Information Regulations (2008) and Previous DfES Guidance on Home to School Transport (2007).
- 7.6.9 Statutory guidance on admissions requires that Travel Arrangements are clearly explained in the prospectus for admissions in the following academic year. Whilst parents are notified that current policy provision cannot be guaranteed, the fact that parents have already expressed their preferences for school places whilst the current policy was in place means there is a legitimate expectation that the terms of the current policy would apply at least for 2013/14. The authority is also required to write to every parent potentially affected. This has not taken place due to the need to complete this process.

For these reasons this option is not recommended for consideration.

- 7.7 The only other detailed option considered was a period of phasing.
- 7.8 The impact of phasing over three years is illustrated in detail at appendix 6. The specific recommended option, for each category of provision, is outlined in full in the next section.

8. Recommendations

8.1 The Executive Board is asked to:

- note the extent of the consultation on changes to the current home to school transport policy
- note the legal implications and risk management sections of this report
- note the specific agreement of key partners (e.g. College Principals, Metro, faith partners, and school heads) to work with the LA on the implementation of the new policy over the next two years as it is fully phased in
- note the receipt of a petition submitted on behalf of a faith group wishing the authority to retain current provision
- approve the attached draft policy – 'Leeds Children's Services Transport Policy' (appendix 1) and

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- approve the recommendations outlined below.

The following specific options are recommended for approval by the Executive Board in respect of all the current areas of children's transport funding:

Statutory provision

The Executive Board is asked to approve a fundamental remodelling of all statutory provision where it is safe to do so. This would take place following individual assessment of need. There is no intention to make any immediate changes to how statutory services are provided without proper assessment and, where appropriate, liaison with affected parties. Some of the proposed changes, however, include:

- introducing more independent travel training opportunities
- replacing, wherever possible, the current automatic provision of taxis with a pass to enable free travel on public transport
- introducing a wider partnership approach to providing transport services
- developing a more flexible approach in partnership with parents/carers

Discretionary provision - post 16 SEN home to school/college

In relation to this recommended option the Executive Board is asked to:

- agree that the proposed provisions of the new Children & Families Bill should be kept under review and any implications taken into account in the implementation of a new policy.
- agree to the principle that in the first instance parents/carers not eligible for statutory support should be expected to organise and fund the transporting of their own children to school or college.
- agree to support the proposal that the delivery of statutory low level need should continue to be re-modelled with the appropriate use of independent travel training, and, in order to be more efficient and cost effective, review the delivery method of all intermediate and complex need transport provision over the next twelve months.
- agree that for those post 16-19 SEN students already attending school/college (including those due to start in September 2013) the current offer would remain in place for a further academic year (2013/14).
- agree **in principle** that following a detailed assessment by the council, where it is deemed not possible for the parent or carer to transport their child/young person to school/college, and the provision of a taxi or similar is the only safe, cost-effective and appropriate way of transporting the child/young person, the authority would provide a personalised means-tested budget towards the cost of transportation.
- agree that this budget should be provided on a means-tested basis only from September 2017, but phased in over a three year transitional period from September 2014 for all existing recipients. At this stage it is proposed that the budget could reasonably be set at a maximum of up to £5,000 per annum for

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all new means-tested applicants once the policy is approved, but this figure, and any proposed transitional arrangements, would first need to be considered and agreed by Executive Board.

- agree that further detailed work should take place during 2013/14 in order to develop an implementation plan and establish robust eligibility criteria. It would be unwise for Executive Board to formally approve the changes to this part of the policy at this stage without detailed planning as it may lead to unintended consequences. Until Executive Board approval, therefore, this aspect of the new policy would remain as it is currently described in the current policy.
- agree that the future proposals should continue to be developed and reported back to Executive Board with the relevant detail. The proposed model has been initially budgeted; the indications are that savings in the region of **£1.25m** in 2014/15 rising cumulatively to **£2m** in 2015/16 and **£2.2m** in 2016/17 would be achievable against the current spend of **£2.6m**.
- agree to preserve the current offer for existing students and new September entrants for a further year. This will allow the necessary planning to take place and also enable further discussion with service leads and strategic partners on the most sensible way of implementing any proposed changes.
- agree that independent travel training would continue to be available during that time, including access to a valid pass for travel on public transport across West Yorkshire, paid for by the local authority.

Discretionary provision - faith transport

In relation to this recommended option the Executive Board is asked to:

- agree to provide discretionary transport for a further two years, until 31st August 2015, for all those currently receiving 100% support.
- agree that from 1st September 2015 all discretionary transport provided solely on the basis of religion or belief, would be withdrawn.
- agree that from 1st October 2013 new applicants, who do not meet the requirements of the new policy for local authority support, will only be eligible to travel on the relevant service on a parent-to-pay basis. They would be advised to obtain a Young Person's PhotoCard (often referred to as a half-fare fare pass).

Discretionary provision - post 16 mainstream home to school/college

In relation to this recommended option the Executive Board is asked to:

- agree to continue to fund post 16 mainstream discretionary transport for a further two years, until 31st August 2015, for students who enrol on either a one or two year course for the academic year 2013/14.

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- agree that new applicants from 1st October 2013 would be recommended to obtain a Scholar's PhotoCard (often referred to as a half-fare fare pass) in order to travel on regular service provision at a discounted rate.
- agree that from 1st September 2015 all post 16 discretionary mainstream free transport would be withdrawn.

Discretionary provision - not the nearest school

In relation to this recommended option the Executive Board is asked to:

- agree to provide discretionary transport for a further two years, until 31st August 2015, for all those currently receiving 100% support.
- agree that from 1st September 2015 all discretionary free transport provided, if it is not the nearest qualifying school, would be withdrawn.
- agree that from 1st October 2013 new applicants, who do not meet the requirements of the new policy for local authority support, will only be eligible to travel on the relevant service on a parent-to-pay basis. They would be advised to obtain a Young Person's PhotoCard (often referred to as a half-fare pass).

8.2 In summary, the Executive Board is asked to decide whether or not some or all of the current statutory and discretionary children's transport should be changed or withdrawn and to what extent.

9. Background documents²

9.1 Transport Consultation Paper V1.3 (09/05/2013)

² 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.