



Transport Assistance for Post 16 Students with SEND and Draft Leeds Children's Services Transport Policy

Introduction and Background

1. A School Transport Working Group of the Scrutiny Board (Children and Families) was established following a Call In meeting in August 2013. Its purpose was to examine the methodologies employed in the development of the School Transport Policy previously agreed by the Executive Board. In early 2014 the Scrutiny Working Group continued its focus on sustainable school transport.
2. Changes to post 16 SEN transport provision was deferred until such time as the Children and Families Act was introduced. This was enacted in March 2014. Following this a report was presented to the Executive Board in July 2014 which sought permission to consult. At that meeting Executive Board agreed that in partnership, and with the assistance of Scrutiny, a further consultation exercise be undertaken to consider future discretionary provisions for 16-25 year olds to run between October and December 2014 with, in due course, a follow up report providing specific recommendations.
3. The purpose of this report is to inform the Executive Board of the support, challenge and conclusions of the Scrutiny Board (Children and Families) and predecessor Board (Children's Services) in order to support the decision making process of the Executive Board on the 17 July 2017.
4. The Working Group of the Scrutiny Board has maintained a watching brief of the developing proposals relating to post 16 SEND transport assistance and associated School Transport Policy.
5. The objective of the Scrutiny Board has been to ensure that policy development supports the transport needs of Young People with SEND, in a financially sustainable matter, whilst meeting requirements under the Equality Act 2010.
5. The Working Group are aware that post 16 SEN transport provision is a discretionary provision and that any change to policy will potentially impact on 50-60 young people per year group with varying levels of need, of which 12 in the total 16 year + cohort have the highest level need.
6. The Working Group met in September and December 2014 to consider planned consultation on transport assistance based on financial assessment. The Working Group primarily focused on the effort employed to engage with the families who would be affected by the options under consideration. This was to ensure that they could influence the decision making process. It emerged that efforts to engage with parents did not provide a significant response which highlighted a need to need to reframe and adapt the consultation approach.
7. In December 2015 Executive Board resolved that consultation should be undertaken based on proposals to introduce personal travel allowances. At that meeting the Executive Board was assured that the proposed consultation exercise would be comprehensive and inclusive, that the views of each affected individual family would be sought in a way that was correct for them, and that the Scrutiny Board (Children's Services) would be involved in the consultation process. The proposals were considered by the Working Group in November (pre-



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decision) and December 2015. During these sessions the Working Group focused on:

- The policy change process
 - Assurance relating to Equality, Legal and Consultation advice, particularly with regard to forthcoming consultation
 - Planned consultation, including process, timescales, methodologies, engagement with children and young people and overcoming barriers to consultation.
 - Managing expectations of parents/families during consultation and beyond through communication, advice and support.
8. During those sessions the Working Group raised their concern about young people with high levels of need who would not be able to access transport methods which offer a degree of independence. Concern was also raised regarding those families who, due to their circumstances, may find it challenging to manage or cope with personal budgets and/or making travel arrangements. The Working Group recommended additional focus on assessing impact in order to mitigate risk of young people with SEND becoming NEET and provide reassurance that any change would not create financial pressures in other council budgets including Adult Social Care. We find that these aspects have since been considered which is covered in more detail later in this statement.
9. In March 2016 the Working Group considered the nature and content of the consultation and engagement material to be used.

Evidence and Information Considered

10. On the 15 of June 2017 the Director of Children and Families submitted a report to the Working Group of the Scrutiny Board (Children and Families) which outlined the outcome of the consultation and advised of the intention to seek Executive Board approval to implement a new transport offer for young people with SEND in Post-16 education.
11. The following information was also appended to the report:
- Appendix 1 – The draft Leeds Children's Services Transport Policy
 - Appendix 2 – Consultation on travel support for Post – 16 learners with special educational needs and disabilities.
 - Appendix 3 – The draft Equality, Diversity, Cohesion and Integration Impact Assessment.
12. The following representatives attended that meeting to participate in debate, provide information and to respond to Board Member questions and comments:
- Sue Rumbold - Chief Officer Partnerships, Children and Families
 - Lelir Yeung - Head Of Equality Customer Access and Performance
 - Anne Oldroyd – Team Leader, Legal Services
 - Matt Lund - Senior Policy and Performance Officer
 - John Bradshaw – Programme Manager, Children and Families
 - Chis Dickson – Head of Service Commissioning



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- Gavin Pheasant – Leadership Projects Officer
- Jacob Clarke – SEN Assessment Officer, Passenger Transport Services

13. Preceding this meeting, input and advice has been sought and provided from Legal Services, the Equalities Team and the Intelligence Team throughout the Post 16 SEND school transport scrutiny process.

Recommendation 1 - The Executive Board is recommended to note the statement of the Scrutiny Board (Children and Families) when considering the report of the Director of Children's Services 'Transport Assistance for post 16 students with SEND' and the draft Leeds Children's Services Transport Policy.

Deliberations and Conclusions

14. It was our intention to fully understand what school transport changes were due to be proposed to the Executive Board and the impact of any change to Post 16 SEND provision to children, their families and the council.
15. The draft recommendations were provided to the Working Group and the draft Leeds Children's Services Transport Policy was presented at the meeting. The Working Group was advised that Children's Services has responded to the consultation and have considered all points fed back by parents. The recommendations to Executive Board have been formulated directly from those responses. Children's Services added that they

have worked collaboratively with colleagues across the council, such as Legal Services and Adult Social Services, to support the decision making process.

16. The Working Group noted that part 7 of the draft Leeds Children's Services Transport Policy stipulates the changes to the provision for full time post-16 students with a recognised learning difficulty or disability who attends a qualifying school or college of further education.

17. The Working Group was advised that it is the intention of Children's Services to ensure that the Post 16 SEND transport offer is in line with strategic ambitions and restorative approaches, with the intention to provide personal travel allowances to qualifying students to allow families to make their own decisions and arrangements. It was stated that the personal travel allowance will include a lower allowance for those with less complex needs and a higher allowance for those with increased needs. In addition those young people in our city with the highest needs will continue to receive the original transport offer of direct transport provision to their chosen setting.

18. The Working Group was unable to establish if allowance rates would be regularly reviewed to account for inflation.

Recommendation 2 – That the Director of Children and Families undertakes an annual review of the allowance rates allocated under section 7.2 of the Leeds Children's Services Travel Policy.



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19. It was acknowledged that the allowance may not meet the full cost of transport provision required by children with SEND, however, Children's Services consider this to be a significant discretionary offer.
20. The Working Group was advised that phasing arrangements will be in place under 7.3 of the draft policy for those entering the post-16 education system during or before the 2017/18 academic year. This will remain in place unless there is a material change in circumstance. We sought clarity about material changes which were not in the control of the family such as the closure of an educational establishment and were reassured that this would not negatively affect support under the Children's Transport Policy, November 2015.
21. The Working Group were assured that transport for post 16 education would be a key part of every young person's Education Health and Care Plan review. Children's Services advised that they are hopeful that the policy change will enable parents and young people to make better and more informed decisions regarding their transport options within the initial phases of choosing their post 16 SEND educational setting.
22. Where families disagree with the transport support offered, the Working Group established that there is an appeals process in place. Appeals are considered by council officers who are independent from child transport matters. In addition, due to the phasing arrangements proposed, parents will have time to make informed decisions and review their choices.

Consultation

23. It was the intention of the Working Group to establish that the consultation undertaken had been adequate and open. The Working Group was advised that 813 families consulted resulting in meaningful engagement with 41% of parents and carers.
24. The Senior Policy and Performance Officer confirmed that a great amount of effort has gone into making families aware of this consultation through various media, including proactively reaching parents and carers by phone. The Working Group recognised the effort that had been undertaken to ensure a robust and thorough consultation exercise.
25. It was stated to the Working Group that there were initially two options for consultation:
 - Flat rate mileage allowance for all families
 - Multiple bands of personal travel allowances
 - the offer of the cash equivalent of a bus pass

However, consultation feedback established that both models posed issues in regard to allocating funding for distances travelled and measuring need. In response senior officers from the Complex Needs Service considered a variety of individual case studies in order to devise a suitable model that would take into account both levels of need and distance. The Working Group acknowledged that the proposed travel allowance arrangements sought to establish a balance.



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26. The Working Group also acknowledged that a significant amount of effort has been undertaken to consult with professionals and partner agencies and forums as part of the consultation process.
27. The Working Group sought to establish if consultation will be ongoing during the initial implementation of the policy. It was advised that there should be ongoing dialogue to identify any technical confusion or need of clarification with regard to communications or to the policy itself. Ongoing dialogue is also required to gain insight into the experience of parents and young people affected.

Recommendation 3 – That the Director of Children and Families undertakes ongoing dialogue with affected parents and young people to:

- a) identify and resolve common issues of clarity or confusion with regard to the new Post 16 transport provision for students with SEND.
- b) understand the experience of parents and young people to understand the impact of the policy change.

Risk

28. The Working Group sought to establish the level of consideration undertaken to minimise any potential negative impacts of the policy change, particularly with regard to those at risk of becoming NEET or those families who could find any changes difficult to cope with.
29. In response the Working Group were advised that Children's Services

anticipate that some families will need additional support and that a SEND assessor will be providing the necessary additional support that families need. Effort will also be made to ensure that families understand the implications and influence of their Post 16 choices. In addition there is an intention to expand the scope of the contract with agencies providing support for the management of personal budgets. It was reiterated that those children with highest levels of need will continue to receive transport provision in order to support them in their education.

30. The Working Group sought to establish the level of continuing support to be provided for families affected by the policy in future years. It was established that a significant demand for support is expected within the first year. Following that, Children's Services will make a judgement regarding levels of support needed. It was stated that work is being undertaken with SILC's, third sector partners and wider support networks to facilitate the provision of advice.
31. The Working Group stressed the importance of all Elected Members being fully informed of the details of the policy in order to provide the most effective assistance to constituents.

Recommendation 4 – That the Director of Children and Families ensures that all Elected Members are fully advised of the details of the revised Leeds Children's Services Transport Strategy to facilitate the provision of assistance and advice to residents.



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32. Clarity was sought regarding the provision of allowances where a young person's attendance is poor. In response the Working Group was advised that attendance is monitored and if this is a concern then there will be follow up action with the relevant intervention processes. Any issues arising will be explored on an individual basis, with a view to supporting the continued education of that young person.

33. With regard to investing Council budgets wisely the Working Group sought reassurance regarding the delivery of the projected £830,000 saving and further clarity about the potential risk of transferring cost from Children's Services to Adult Social Services or Health Services.

34. The Working Group was advised that significant saving are not anticipated in the short-term due to the transitional nature of the policy. Students entering Post 16 education are increasing. It was stated that there is some risk in relation to transferring cost from Children & Families to Adult Social Services & Health Services but this is unknown. However there are also benefits, as the policy supports the ambitions of Adult Social Services and Health Services as it promotes the use of personal budgets, encourages independence and ensures a smoother transition into the service.

Recommendation 5 – That the Executive Board supports a Scrutiny Review of the impact of the revised Post 16 School SEND Transport provision as defined in the Leeds Children's Services Transport Policy , post policy implementation to:

- a) establish the impact of the policy revisions on Young People and their families
- b) establish the impact of the policy revisions on Council budgets.

Equality, Diversity, Cohesion

35. The Working Group sought reassurance that Legal Services have had the opportunity to provide support in the formulation of the proposed changes due to be recommended to Executive Board, and in the drafting of the revised School Transport Policy. The Legal representative provided reassurance that there had been considerable legal support and that due regard to the public sector equality responsibilities had been given in the Councils role to facilitating access to education.

36. The Working Group also sought reassurance from Head of Equality Communities and Environment who advised that she was content that a thorough review had been carried out and that due regard of equality, diversity and cohesion had been taken. However, the equality impact assessment under review at the Working Group was based on the recommendation to introduce the new travel allowances and did not account for the request to approve the revised policy. It was advised that the equality



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impact assessment should show that due regard to equality has been given on the impact of the new travel allowances on the School Transport Policy due to be presented to the Executive Board for agreement. The Working Group were advised that further work would be undertaken on the on the equality impact assessment to reflects the overall transport policy in order to guarantee a complete assessment. Children's Services were advised that this must be completed before the 17 July 2017.

Communication and Engagement

37. The Working Group asked what plans were in place to ensure clear and timely communication with families regarding the revised Post 16 SEND school transport provision. The Working Group was advised that those affected by the policy change will receive a clear and simple description of the decision and the reasons for the changes to provision. This is due to be distributed to the appropriate families on the day the Executive Board report is published. Assurance was also provided that the letter issued to families will also be shared with all Elected Members.
38. With regard to clarity, the Working Group suggested that the formula used for devising allowance bands is complex and therefore could be difficult to interpret. The Working Group was advised that Children's Services would make every effort to translate the formula into simple and understandable terminology for parents and young people.

Scrutiny Board (Children and Families)
Statement for the Executive Board - Transport Assistance for Post 16 Students with
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