

Children's Transport Policy: Permission to consult on proposed changes to transport assistance for post-16 learners with Special Educational Needs and Disabilities (SEND)

Date: 19th June 2024

Report of: Director of Children and Families

Report to: Executive Board

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

The council has a statutory duty to provide home to school transport assistance for children with SEND of statutory school age. 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. This has included transporting students either in council fleet vehicles or by contracting private hire firms to transport students.

In the context of rising demand, with recent analysis showing the number of post-16 SEND students in receipt of such support having doubled since 2015, the current model of provision of assistance can often be restrictive and limiting for families who have transport arrangements decided for them. It is also financially unsustainable for the council.

Recent analysis indicates that post-16 SEND transport assistance costs the local authority approximately £4m -£4.5m to transport approximately 815 post-16 learners (based on the 2023/24 academic year data).

In supporting the strategic aims set out in the Children and Young Peoples Plan, and within the context of the council's current financial challenge, a Children and Families directorate project team has undertaken a review of our current Children's Transport Policy. The review also considered policies of comparator local authorities to establish a range of potential proposals that, if implemented, aim to support independence for our children, young people and their families, and maximise the efficient use of available council resources.

This report seeks approval to proceed with a 4-week public consultation on a range of proposals for post-16 SEND transport assistance that will aim to empower more families and young people to find their own lasting transport solutions as an alternative to the council doing it for them. This aligns with behaviour that should underpin everything we do, as set out in the Children and Young People's Plan, to work with people, not do to or for them. Consultation would take place 24th June – 21st July and inform a full Equality, Diversity, Cohesion Integration (EDCI) Impact Assessment of options proposed. Findings of the consultation would be presented, together with recommendations, for consideration by Executive Board in October 2024.

Any proposals agreed to be implemented would be phased-in and take effect for new transport applications requesting assistance from September 2025.

Recommendations

Executive Board is recommended to:

- a) Note in general terms, the content of this report.
- b) Approve the plan for consultation to take place over a four-week period starting 24th June 2024 and closing on 21st July 2024 on a range of proposals for post-16 SEND transport assistance.
- c) Agree that the findings of the consultation be used 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 in October 2024.
- d) Approve that the decisions in this report are exempted from the Call-in process for the reasons set out in paragraphs 32, 33 and 34.
- e) Note that the officer responsible for implementation is the Director of Children & Families.

What is this report about?

- 1 Leeds City Council currently offers discretionary transport assistance to full-time post-16 students with SEND under the following eligibility criteria set out in the Children's Transport Policy (section 7):

"Students aged 16 to 25 who have a recognised learning difficulty or disability will receive assistance if:

(a) they are the subject of a statement of SEN or an EHC plan and attend the school named in that statement or EHC plan; or

(b) they attend the nearest government-funded college of further education in Leeds or a neighbouring local authority that offers the course of their choice; and

(c) they live more than three miles from that school or college, when measured by the nearest available walking route; and

(d) they attend school or college for at least twelve hours of guided learning each week of the academic year. "

- 2 The Children and Families Directorate 2024/25 transport budget for 2024/25 is £22.3m, a net increase of £4.3m compared to £18m in 2023/24. This includes transport for pupils with SEND, Children who are 'looked after' (CLA) and mainstream school bus services. In terms of the budget increase, £6.1m was added to the transport budget for growth based on forecast trends at the time. This was then reduced by £1.8m of savings targets, resulting in a net budget increase of £4.3m.

- 3 In addition to the £1.8m savings targets in the budget, the latest figures for numbers on transport indicate there may be further budget pressures in 2024/25, which mitigating savings will need to be identified for.
- 4 There are currently 3506 (March 2024) children and young people accessing transport support which has surpassed the forecasted end of year figure of 3380 (a forecasted increase of 6%). In-school-year applications have increased by 18% year on year, and an overall 15% year on year forecast is now anticipated. There has also been a 25% increase in transport awards with a passenger assistant due to a significant increase in complex behavioural and/or medical issues.
- 5 The Children and Families Directorate has historically provided 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. In the context of rising demand, the provision of assistance in this way is restrictive and limiting for families, and financially unsustainable for the council. Therefore, it is recommended a public consultation is undertaken on a range of policy proposals that will aim to empower more families and young people to find their own lasting transport solutions as an alternative to the council doing it for them. Any policy changes would be implemented from September 2025, subject to approval at a future Executive Board meeting in October 2024.
- 6 It is recommended the consultation is undertaken ahead of the statutory deadlines for primary and secondary school place applications for September 2025 starts in Reception and Year 7, and ahead of the statutory deadline for Education, Health and Care Plans (EHCP) to be finalised in February 2025. Any final recommended proposal would be implemented by no later than 31 May 2025, subject to approval at the October 2024 Executive Board meeting.
- 7 The consultation will centre on a range of options to examine the likely impact on young people and families. It will also seek to examine any possible impact on other services, for example Adult Social Care transport. These findings will be considered in the preparation of any proposed new transport offer.
- 8 Any proposal and policy changes agreed would have a phased implementation, in that the new criteria would be applied to new applications received for the 2025/26 academic year onwards, or where any learner circumstances change (e.g., moving house, moving settings, change in individual needs/disabilities) where a new application for transport assistance is received.
- 9 Regardless of the potential for future transport assistance policy change, the council will continue to encourage as many young people with SEND as possible to undertake Independent Travel Training (ITT) to enable them to use public transport with confidence. ITT helps young people to develop their skills of independent travel in preparation for adulthood and aligns with our Children and Young People's Plan ambition to help young people having the skills that enable them to realise their potential and to thrive. Given the positive benefits of ITT for young learners with SEND, the council has recently increased the size of ITT team to allow more young people the opportunity to complete their travel training sooner.

What impact will this proposal have?

- 10 A full public consultation on the proposals will give young people, their families, and partners across the city, the opportunity to have their say and provide essential feedback to enable an in-depth understanding of any possible impact proposals will have on them and on other services, such as Adult Social Care transport.

11 Information and feedback gathered throughout the consultation will continuously inform an Equality, Diversity, Cohesion and Integration (EDCI) impact assessment and be used to inform recommendations to the Executive Board in October 2024 and to ensure the council complies with its equality duties. A EDCI has been completed on the post-16 SEND cohort who currently benefit from fleet or private hire transport assistance via our current Childrens Transport Policy or Post-16 Transport Statement.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing Inclusive Growth Zero Carbon

12 Consulting on proposals meets our aspirations in the Children and Young People's Plan (C&YPP) of working restoratively with people, and not doing it to or for them, and listening and responding to the voice of children and young people.

13 The consultation also supports wish 3 of children and young people in Leeds by supporting conversations where children and young people can express their views, feel heard and involved in decisions that affect their lives.

What consultation and engagement has taken place?

Wards affected: All wards.

Have ward members been consulted? Yes No

14 Briefings have taken place with The Deputy Leader of Council and Executive Member for Economy, Culture and Education. Due to recent changes in portfolio, the new Executive Member for Children and Families has also been briefed.

15 The process for consultation will be managed in accordance with the relevant legislation and local good practice, with previous consultations on proposed changes to the Children's Transport Policy providing valuable lessons to inform the approach.

16 We will be clear on what information we need to help make future decisions on proposals, including where we are still to complete further analysis on proposals, details of delivery, or ways to mitigate impact.

17 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 organised representative parent/family groups will be engaged before the public consultation opens, for the following reasons:

- To benefit from their expert views on our proposals, allowing revision prior to consulting young people and their families.
- To demonstrate our values in action, of working with partners and listening.
- To design the best ways to engage stakeholders, with the active support of partners' networks and influence.

18 We will be clear what other options we have already considered and discarded, with a brief explanation why this has been the case. We will ensure the consultation and supporting information is accessible to all consultees, by offering a range of self-service or supported ways to take part.

- 19 We will allow open space in the consultation for those engaging to offer their own suggested refinements to the proposals and be clear that whilst entirely new proposals may be incorporated into proposals, they may be problematic to consider exclusively in isolation.
- 20 We will be clear from the outset how all consultees will receive feedback on the overall findings and proposed actions arising from the consultation.
- 21 We will consider if there are opportunities for ongoing involvement of consultees in the design of mitigation if any proposals are agreed to be implemented.
- 22 We will ensure:
- the appropriate involvement of young people,
 - learning the lessons of previous consultation in terms of increasing the reach of consultation,
 - secure 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 or highest level of deprivation,
 - identifying avenues through which to minimise possible impact on other services.
- 23 Engagement with Children's Scrutiny Board will take place if required before any decisions on implementation are made.
- 24 To maximise stakeholder engagement a variety of consultation methods will be employed, including email communications and an online survey. Consultation engagement sessions will take place, both online and in-person, giving all interested stakeholders the opportunity to discuss proposals with representatives from relevant council teams.
- 25 Details of the consultation will be sent to all parents and carers of children and young people currently in receipt of a transport award. Details will be sent to Specialist Inclusive Learning Centres (SILCs) and other specialist learning settings, all schools and post-16 education providers in Leeds and surrounding areas. Information would also be available via the Leeds City Council website and through various social media platforms and accounts.
- 26 Subject to the approval to consult, all ward members will receive an email communication regarding the proposed plan to consult.
- 27 It is proposed a four-week consultation will take place between 24th June and 21st July. During this time consultation will take place with parents and carers, and other stakeholders.

What are the resource implications?

- 28 Considerable Leeds City Council Officers' time will be required to complete the public consultation. Digital communications and virtual meetings, along with online resources, will be used as much as is feasibly possible. Face to face drop-in sessions and engagement events/meetings will take place to ensure all individuals wanting to respond to the consultation have a method to do so which is best suited to their needs.

What are the key risks and how are they being managed?

- 29 Previous experience of consulting on proposed changes to mainstream and discretionary transport assistance for post-16 SEND learners suggest this consultation will generate a lot of interest, and there is an understanding the consultation will be emotive.
- 30 There is a risk that proposals will be viewed as decisions that have already been made, and it will be made clear throughout the consultation that these are proposals on which views are being

sought. It will also be made clear that any additional proposals that are brought forward as part of the consultation will be considered fully.

- 31 Proposing changes to transport assistance for post-16 SEND learners may result in some young people choosing not to continue to participate in education or at their preferred choice of education provision. If changes were made, this risk is mitigated to some extent by a continued offer of assistance to those eligible under the new policy in addition to the local authority's Independent Travel Training (ITT) offer. The ITT team has recently been scaled up to offer more young people with the ability to complete ITT, the opportunity to do so.

What are the legal implications?

- 32 It is recommended to Executive Board that this report be exempt from the Call-In process, in line with Executive & Decision-Making Procedure Rule 5.1.3, due to the decision being urgent (i.e., that any delay would seriously prejudice the Council's or the public's interest). Executive Board is the decision maker for any future potential changes to the Transport Policy, and statutory DfE guidance states that for any proposed changes to the school travel policy which may affect children's eligibility for transport, local authorities are to consult locally for at least 28 working days during term time. This is relevant for the Children's Transport Policy and the Post 16 Transport Statement. The Post 16 Transport Statement must be published by 31st May each year before the start of the academic year. To meet the 28-working-day consultation period before schools break up for the summer, consultation would need to start no later than 24th June 2024. This would ensure that any proposed policy changes agreed after consultation at Executive Board in October 2024 can be published before the 31 May and take effect from September 2025. This will give young people and families sufficient time to make informed choices about their future learning, and any financial efficiencies for the council resulting from any policy change can start to be realised in the 2025/26 financial year.
- 33 It is recommended any potential future policy changes are agreed and communicated ahead of the statutory deadlines for 2025 school place applications (Primary 15 January 2025, Secondary 31 October 2025) and ahead of the statutory deadline for Education, Health and Care Plans (EHCP) to be finalised by 15 February 2025. Starting the 28-working-day consultation on 24th June 2024 during term-time and reporting the outcome of consultation and recommended next steps to Executive Board in October 2024, would allow these deadlines to be met.
- 34 The time required by the project team to undertake a detailed review of our current Children's Transport Policy and the pressing need to realise financial savings in the 2025/26 financial year, meant that was not possible to understand whether proposals on policy change would be required any earlier (or later) than within the timescales set out in this report, with a decision on the proposal to proceed with consultation now required as a matter of urgency.

Options, timescales and measuring success

What other options were considered?

- 35 It is proposed consultation will take place on all options identified by the local authority to understand the likely impact on families and young people of individual options, and the combined impact of multiple options.

How will success be measured?

36 Consultation reach and engagement will be measured throughout the consultation process. Data will be collected, with relevant consent, to gain an understanding of the level and views of those engaging.

37 Likely impact on young people and families who may be affected by any proposals will continue to be monitored through the EDCI screening process and action plans developed where appropriate to ensure the council meets its equality duty.

What is the timetable and who will be responsible for implementation?

38 It is proposed a four-week consultation exercise takes place between 24th June and 21st July, with the outcome of the consultation and recommended next steps reported back to Executive Board for consideration in October 2024.

39 Any changes to policy subsequently approved following consultation, would be phased in so that the new criteria would only apply to new applications from September 2025, or where a learner's circumstances have change, such as a house move or change of learning setting. This means any changes agreed would come into full effect over several years as cohorts of children and young people move through the education system.

Appendices

- Appendix 1: Equality, Diversity, Cohesion and Integration (EDCI) screening form.

Background papers

- None