

**Report of The Director of Children’s Services**

**Report to Executive Board**

**Date:** 15<sup>th</sup> February 2013

**Subject: Permission to consult on proposals to redevelop the Children’s Services Transport Policy & Strategy**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): City wide	<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. The current economic climate is such that the Council must, in order to meet its identified savings target, review all of its expenditure and establish which of the many competing priorities should continue to be funded. There are currently discretionary elements within the Transport Policy represented in the availability of non-statutory free home to school travel to faith schools; post 16 transport, and home to school/college transport for young people with special educational needs (SEN) between the ages of 16 and 25.
2. Neighbouring Local Authorities have already withdrawn the discretionary elements of faith and post 16 transport, as have most Local Authorities nationally. Leeds has maintained this provision for significantly longer but must now consider if this can be sustained.
3. The requirement to consult upon the future of the discretionary elements in the policy, is therefore important so that Executive Board can actively consider whether these provisions remain affordable, fit for purpose and consistent with the Council’s current objectives, including the Children & Young Peoples Plan.
- 4 Following consultation and Executive Board approval, the Council may seek to remove all current discretionary elements presenting an opportunity for potential savings of up to £4.76m. In addition further savings of approximately £150k per annum could be made available as described in 3.3 below.

- 5 The withdrawal of some or all discretionary elements would enable Executive Board to consider using savings to meet its targets and maintain essential services. In particular, to ensure that any changes are consistent with and support the city in its longer term aim to become the first Child Friendly City in the UK.

## **Recommendations**

- The Executive Board is recommended to agree a period of 28 days public consultation to commence on 22/02/13 on the future of the discretionary elements of the Transport Policy to support the development of a new Children's Services Transport Policy. This may see the removal or amendment of some or all of the present discretionary aspects of the transport policy from September 2013. The consultation will also seek to explore how the Council can work with partners to enhance the wider offer and maximise opportunities that may be available.
- Executive Board is recommended to confirm that the design and delivery of the consultation exercise should be fully informed by the views of young people, whilst ensuring that all stakeholders are encouraged to participate and submit their own ideas on the shape, emphasis and delivery of the new policy provisions.

## **1 Purpose of this report**

- 1.1 Arising from the Children's Services budget proposals, permission is now requested to move to a phase of public consultation upon the future of the discretionary elements within the current Leeds Children's Services Transport Policy. The consultation will also seek to explore further opportunities to work with partners to improve overall provision in support of our ambition to be a Child Friendly City.
- 1.2 The timing of the presentation of this report is critical to ensure that, should the Executive Board decide, following the period of public consultation to introduce changes to the existing policy, that these can be introduced from September 2013.
- 1.3 The withdrawal of all discretionary funding for school/college transport from September 2013 would provide savings of £4.76m per annum. Full realisation of this benefit would depend on whether or not some or all of the effect was phased in over a period of time.

## **2 Background information**

- 2.1 Current provisions are described in the Children's Services Transport Policy attached at Appendix 1. This draft policy was produced following the Education & Inspections Act 2006 to cover the new statutory demands for extended rights to free home to school travel and to incorporate such in a single document with arrangements made under the broad heading of children's social care.
- 2.2 The current economic climate is such that the Council must, in order to meet its identified savings target, review all of its expenditure and establish which of the many competing priorities should continue to be funded. There are currently discretionary elements within the Transport Policy represented in the availability of

non-statutory free home to school travel to faith schools; post 16 transport, and home to school/college transport for young people with special educational needs (SEN) between the ages of 16 and 25.

- 2.3 Neighbouring Local Authorities have already withdrawn the discretionary elements of faith and post 16 transport, as have most Local Authorities nationally. Leeds has maintained this provision for significantly longer but must now consider if this can be sustained.
- 2.4 The requirement to consult upon the future of the discretionary elements in the policy, is therefore important so that Executive Board can actively consider whether these provisions remain affordable, fit for purpose and consistent with the Council's current objectives, including the Children & Young Peoples Plan.
- 2.5 Following consultation and Executive Board approval, the Council may seek to remove all current discretionary elements presenting an opportunity for potential savings of up to £4.76m. In addition further savings of approximately £150k per annum could be made available as described in 3.3 below.
- 2.6 The withdrawal of some or all discretionary elements would enable Executive Board to consider using savings to meet its targets and maintain essential services. In particular, to ensure that any changes are consistent with and support the city in its longer term aim to become the first Child Friendly City in the UK.

### 3 Main issues

- 3.1 The Council is seeking to work closely with its partners to make wider improvements to the way children and young people travel in Leeds in support of its ambition to be a Child Friendly City. Concessionary fares and discounted tickets are already available and the consultation will seek to maximise opportunities to enhance the offer available in Leeds.
- 3.2 The current policy consists of both statutory and discretionary provisions in relation to home to school transport including services for the benefit of those learners with special educational needs or learning difficulties; provisions for Looked After Children in the Council's care, and other Children's Social Care arrangements. Table 1 below lists and categorises these provisions.

**Table 1 Classification of Current Policy Provision**

<b>Detail</b>	<b>Statutory</b>	<b>Discretionary</b>
Home to Mainstream School Age 5-16	x	
Home to School SEN to Age 16	x	
Extended Rights to Free Travel (2006 E+I Act)	x	
Home to Mainstream School or FE College Age 16-18		x
Home to School SEN or FE College Age 16-25		x
Home to Faith School/College (outside E&I Act)		x
Home to School/College Looked After Children	x	
Children's Social Care Transport Support	x	

### Extended rights in the Education and Inspection Act ensure provision of free transport for low income families to faith schools

- 3.3 The statutory provision highlighted above ensures that the Council's current obligations are fully met. The policy also comprises, however, a number of discretionary provisions which greatly exceed its obligations. These provisions are long-standing in the policy and were recommended by members as being both affordable and consistent with the objectives of the Council at that time.
- 3.4 In addition, the current policy retains some local historical eligibility to free home to school travel, agreed by members up to 30 years ago. It is therefore also recommended that the proposed consultation includes consideration of the removal of these elements.

## **4 Basis of proposed consultation & available options to the present discretionary provisions**

- 4.1 It is proposed that public consultation take place on the future of all of the discretionary elements of the transport policy. This would ensure that the widest range of views could be sought on the potential to withdraw any or all of this provision to enable the council to meet the savings necessary in its budget. The council is seeking to ensure a balanced budget and difficult choices will need to be made. Many of these long standing discretionary elements have been withdrawn in the majority of other Local Authorities and we now wish to consult on their future in Leeds. The paragraphs below highlight the potential savings should each of the discretionary elements be withdrawn in full.

### 4.2 Withdrawal of non-statutory free transport to and from faith schools

This is an option which has already been implemented in the neighbouring authorities of Calderdale, Wakefield and North Yorkshire and is consistent with recommendations made by Legal Counsel engaged by Leeds to consider vulnerabilities in its policy in 2010. This option would achieve savings of £800k per annum.

### 4.3 Withdrawal of free home to school/college transport for learners with special needs

It would be possible to withdraw free school transport at the end of year 11. A similar consultation exercise was carried out by neighbouring North Yorkshire County Council. They initially proposed withdrawal of SEN home to school/college transport at age 16. This was eventually changed to withdrawal at age 18. Full implementation of this option would achieve savings of £2.6m per annum.

### 4.4 Withdrawal of free home to school/college mainstream transport at age 16+.

Free travel has already been withdrawn for this age group by most local authorities. This option could, however, be phased to afford protection to those already in receipt of free travel. This option would achieve savings of £1.36m per annum.

### 4.5 Cessation of previous practice

The practice of providing free home to school travel in cases where the Council is unable to provide a school place within 3 miles of home, to an alternative school of the parents or carers choice, could be changed to providing free travel, only to the nearest qualifying school with an available place. This option would achieve a further £150k of savings per annum.

- 4.6 Clearly any 'tapering' over time of some or all of these options would significantly affect the immediate savings achieved.
- 4.7 Concessionary fares and a range of discounted ticket products would continue to be available for travel within the whole of West Yorkshire through Metro.

## **5 Corporate Considerations**

- 5.1 Before Executive Board could make any final decisions on policy changes there would need to be a period of public consultation. The savings highlighted above assume that the present transport policy would require amendments to its present scope to be introduced by September 2013. The period of public consultation would run from the 25/02/13 to 24/03/13 and its outcome will be reported back to Executive Board for a final decision. The implications on the budget of the timing or extent of the potential changes will be highlighted.
- 5.2 The design of the public consultation itself will enable Children's Services to take into account the views and suggestions of young people and their families which will be actively sought out and encouraged. An Outcome Based Accountability (OBA) workshop will also be run to test and evaluate any suggestions for new or amended services. This will ensure the practicality, affordability, value and sustainability of any recommended actions prior to incorporation into a new policy.
- 5.3 The consultation will include the opportunity to explore how the Council can work with partners to enhance the wider offer already available in Leeds and maximise any opportunities that are available.
- 5.4 Focused and informal discussions with groups of young people have already indicated that they consider the availability of free travel on a discretionary basis as discriminatory and unfair and that the funds should be used in a different way.

## **6.0 Equality and Diversity / Cohesion and Integration**

- 6.1 The possible withdrawal of discretionary elements of the existing transport policy would, in the case of withdrawal of non-statutory free travel to faith schools, be in line with the spirit and intentions of the Council's policies on full integration and inclusion and also of Equality and Diversity. In addition, the vulnerabilities referred to above surrounding perceived inequalities related to the preferential consideration of some faiths over others (as previously identified by a QC commissioned by the Council to assess the current policy) would be removed.
- 6.2 The introduction of further targeted Independent Travel Training would extend the local Authority's ability to match the needs and abilities with individual young people. Travel training has enabled young people with special needs to travel independently between home and school and has acted as a catalyst for their personal development, greater confidence and self-esteem.

- 6.3 Easy access to affordable, child-friendly transport has been consistently identified by young people as a barrier to mobility. It is seen as a key ingredient in enhancing their life skills thus improving their equality of access to a wider range of opportunities and activities. Careful implementation of the reduction in these discretionary elements coupled with more imaginative and innovative solutions such as independent travel training would be in line with the principles of supporting the development of a truly Child Friendly City.
- 6.4 Any changes to the current policy will require a full Equality Impact Assessment.

## **7. Council Policies and City Priorities**

- 7.1 The Council already has in place a Sustainable Education Travel Strategy (SETS). The services and assistance provided in the existing Children's Services Transport Policy are designed to respect and complement the measures detailed in SETS. This harmonious relationship will need to be maintained in the future transport policy.
- 7.2 The consultation document would promote sustainability and urge contributors to build this principle into any submission they would wish to make.
- 7.3 Young people will be actively included in the review process so that they have the opportunity to actively influence the final outcome.

## **8. Resources and Value for Money**

- 8.1 Should the Executive Board agree to a period of consultation, and ultimately recommend the removal or curtailment of any or the full range of discretionary transport, a change in policy would result in budgetary savings, which could be used to protect essential services.
- 8.2 Clearly any discretionary services provided in the current policy, which represent poor value for money must, during the current period of austerity, be reconsidered. This should include those which benefit only relatively small sections of the community, or where eligibility is not means tested. This would be especially true where provision fails to meet any of the Councils stated priorities or may be contrary to other Council policies.

## **9. Legal Implications, Access to Information and Call In**

- 9.1 Aspects of the transport policy in relation to faith transport have been challenged through the High Court and relate to the limited number of faiths that are actually able to benefit from the policy. Providing only statutory services would reduce the risk of the Council being faced with future legal challenge.
- 9.2 A future report recommending changes of the type outlined in this report would be subject to call in.

## **10. Risk Management**

- 10.1 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 buses available to young

people with learning difficulties or disabilities, and to those in public care, must be done on an individual basis, fully considering the needs, vulnerabilities and ability of the young person.

- 10.2 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.
- 10.3 The provisions currently being contemplated in the forthcoming Children's & Families Bill, as contained in the Green Paper "Support and Aspiration: A new approach to special educational needs and disability", will impact on any proposal to amend eligibility to free home to school SEN transport. Although detailed guidance has not yet been published, the Green Paper features the introduction of personalised budgets backed up by individual Education, Health and Care Plans from 2014. Clearly, as further detail and guidance becomes available, the full statutory implications contained in this legislation will need to be incorporated into any new policy.

## **11. Conclusions**

- 11.1 Options have been presented in this report to consider the redesign of the existing Children's Services Transport Policy, both in terms of their continued relevance and the affordability of the present discretionary services.
- 11.2 Some current discretionary services, notably free non-statutory travel for children attending faith schools, could be viewed as being discriminatory as the provision affords greater choice to one section of the community (those holding a desire for a faith school education) over the majority (those with no desire for faith schools).
- 11.3 The provision of free travel at 16+ is discretionary and could be withdrawn. Leeds is only one of a handful of Authorities which have retained such provision.
- 11.4 The provision of SEN home to school transport is currently discretionary post 16. In Leeds, however, we have continued to provide continuing support up to age 25. The substantial costs illustrated earlier in this report suggest considerable savings could be made in this area.
- 11.5 Innovative developments, such as the Independent Travel Training initiative, have successfully delivered savings, whilst impacting positively on the quality of life of the young people taking part. Greater emphasis on developing similar positive changes with low or no cost impact will be actively considered.
- 11.6 Engagement and meaningful consultation with all stakeholders, particularly young people and their families, over revisions to the policy will ensure that their views are fully considered. This would be in line with Restorative Practice principles of service delivery. Early meetings held with members of the local Youth Council have evidenced that there is a growing recognition of the need for a change to the present policy. Youth Council members are fully aware of the difficulties the Council faces in connection with funding current commitments during this period of austerity. Their input has been invaluable and the continued active involvement of the Youth Council and young people in general will be encouraged in the design and focus of the consultation process.

11.7 Permission is now being sought to consult widely on the future of the discretionary elements of the Transport policy in order to refresh the current policy and make it more relevant to the current needs of young people.

## **12. Recommendations**

12.1 The Executive Board is recommended to agree a period of 28 days public consultation to commence on 25/02/13 on the future of the discretionary elements of the Transport Policy to support the development of a new Children's Services Transport Policy. This may see the removal or amendment of some or all of the present discretionary aspects of the transport policy from September 2013. The consultation will also seek to explore how the Council can work with partners to enhance the wider offer and maximise opportunities that may be available.

12.2 Executive Board is recommended to confirm that the design and delivery of the consultation exercise should be fully informed by the views of young people, whilst ensuring that all stakeholders are encouraged to participate and submit their own ideas on the shape, emphasis and delivery of the new policy provisions.

## **13 Background documents**

1. None

<sup>1</sup> 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.