

SURREY COUNTY COUNCIL**CABINET****DATE: 24 MAY 2016**

**REPORT OF: MRS LINDA KEMENY, CABINET MEMBER FOR SCHOOLS,
SKILLS AND EDUCATIONAL ACHIEVEMENT**

**MR MIKE GOODMAN, CABINET MEMBER FOR ENVIRONMENT
AND PLANNING**

**LEAD OFFICER: MRS JULIE FISHER, DEPUTY CHIEF EXECUTIVE AND
STRATEGIC DIRECTOR FOR CHILDREN, SCHOOLS AND
FAMILIES'**

**MR TREVOR PUGH, STRATEGIC DIRECTOR FOR
ENVIRONMENT AND INFRASTRUCTURE**

**SUBJECT: TRAVEL ASSISTANCE POLICIES FOR CHILDREN AND YOUNG
PEOPLE WITH SPECIAL EDUCATIONAL NEEDS AND
DISABILITIES**

SUMMARY OF ISSUE:

The Children and Families Act 2014 and associated statutory guidance sets out the local authority's responsibilities in respect of travel assistance for those with special educational needs and disabilities (SEND). The existing policies have been reviewed and this report recommends adoption of a revised policy for those who are pre 16 (Annex 1) and a new policy for those who are 16-25 years old (Annex 2). The policies proposed have been through a 12 week period of consultation and were updated in light of feedback. The proposed policies support delivery of our wellbeing and resident experience strategic goals in addition to our SEND 2020 Development Plan.

RECOMMENDATIONS:

It is recommended that Cabinet:

1. adopts the updated policy for Travel Assistance for Children and Young People with an Education, Health and Care plan/statement of special educational needs (pre 16) from 1 September 2016;
2. adopts the updated policy for Travel Assistance for Children and Young People with an Education, Health and Care Plan/statement of special educational needs (16-25 years) from 1 September 2016;
3. approves the proposed charge per day to all post 16 students with an Education, Health and Care Plan starting in year 12 from September 2016 onwards;
4. agrees that the charge to post 16 students is adjusted annually from 1 September, by the March Retail Price Index or Consumer Price Index whichever is the lower rate; and
5. agrees that our mileage rates are set in line with the Her Majesty's Revenue and Customs (HMRC) rates that are designed to cover fuel and running costs for each mile of travel.

REASON FOR RECOMMENDATIONS:

The Local Authority is required to have robust, equitable, coherent and transparent policies in line with Department for Education (DfE) Home to School Transport Statutory Guidance (July 2014) and the Special Educational Needs and Disabilities (SEND) Code of Practice 2014. The policies will also ensure there is an equitable approach to Post 16 travel for learners with an Education, Health and Care Plan (EHCP) and a more flexible approach for families choosing to use the parent mileage scheme.

DETAILS:

Context

1. Surrey County Council currently provides travel assistance to approximately 2,900 children and young people with an Education Health and Care Plan (EHCP) at a cost of approximately £25m in 2015/6.
2. The existing policy frame work for travel assistance and home to school transport for those with a special educational need or disability has been reviewed in light of the new Code of Practice 2014 and the 2014 DFE Guidance. The Statutory Guidance requires local authorities to have clear policies with the eligibility criteria in an accessible format.
3. The pre 16 policy has been largely unchanged. There is a new statutory requirement to have a travel assistance policy for those with SEND who are between 16 -25 years published by 31 May 2016. This will apply to travel for the 2016/17 academic year.
4. A SEND Travel Group made up of Local Authority officers and in consultation with members of Family Voice Surrey, the official family parent carer forum for Surrey, was established in 2015. This group has developed and proposed amended policies that were the subject of consultation between 4 January 2016 and 1 April 2016.
5. The key items introduced by the refreshed and proposed policies are as follows:

Pre 16 Policy - Travel Allowance System

6. SEND Travel Group proposed that the parental mileage scheme be reviewed and renamed as a "parental travel allowance scheme"(see Annex 1). This scheme is in keeping with the SEND Reform Code, promoting choice and control through alternative, more flexible ways to support families to get their children and young people to school.
7. The key changes to the system are that payments will be made in advance on a monthly basis and a revised mileage rate of 45p for two journeys per day is proposed. It is proposed that monthly payments are reviewed and could be adjusted if attendance falls below 80% (representing average attendance levels for this cohort of pupils). Transition arrangements will be put in place for those current claimants of parental mileage whose journeys are over 10 miles (currently set at 40p per mile/four journeys per day).
8. The proposed rate per mile for the travel allowance is in line with the current maximum tax free threshold for mileage payments. The rate per mile in Surrey

was last changed in 2005. Benchmarking revealed that the proposed rate is in line with other similar local authorities.

Post 16 Charging arrangements

9. The current post 16 arrangements employ different charging arrangements for young people requiring transport who have a LDA (or an EHCP) and are at college, and those who have a statement or who are transferring to EHCPs in school. The Group also proposed that the post 16 charging arrangements for young people requiring transport who have a Learning Disability Assessment (LDA), statement or EHCP are consistently applied to ensure the arrangements are applied equitably.
10. It is proposed that this change will be introduced for new year -12 students only from 1 September 2016 onwards. The policy makes clear support arrangements for those families who are on a low income (see Annex 2).

CONSULTATION:

11. The Local Authority consulted on the proposed policies for 12 weeks from 4 January 2016.
12. The consultation was communicated to parents, carers, schools and charities through various schools and charity networks as well as family forums. This was supported through the use of various media including newsletters and social media. The consultation also included two opportunities for public scrutiny through the Education and Skills Board. The consultation survey was facilitated through the Surrey Says on-line portal.
13. Cabinet have reviewed the full range of consultation responses prior to the Cabinet meeting and a full supporting data pack is available to Members. Whilst there were a limited number of responses to the survey, 44 directly to the consultation, there were a range of other mechanisms used to capture feedback. These included a consultation meeting with 12 members of the Deaf Society, email responses from SOS SEN (the independent helpline for special educational needs) and officers, feedback from Family Voice Surrey at a conference in January which 48 families attended and public scrutiny of the draft policies during the consultation.
14. The themes raised by the consultation feedback have been addressed as shown in the table below:

Consultation feedback Theme	Our response
Clarity / accessibility of the consultation and the proposed documents.	<ul style="list-style-type: none"> • Following initial feedback the Survey was relaunched on 24 February with additional questions and a fact sheet giving further explanation of the travel allowance proposal. We further extended for email feedback to 1 April 2016. • Stakeholders received regular alerts about the consultation. • Certain elements have been rewritten and

	<p>sections reordered in both policies to improve clarity and accessibility.</p> <ul style="list-style-type: none"> • We acknowledge the concern about the lack of information for parents/carers and will ensure that a new co produced Parent Guide will contain the appropriate information.
<p>Eligibility for travel assistance and the change to an offer of a travel allowance replacing the current offer of parent mileage.</p>	<ul style="list-style-type: none"> • We have stated that we will take into account the child's and families' particular needs. • We have changed the language from 'home' to 'habitually resides' to ensure clarity. • We have ensured the phrasing relating to eligibility for those children in residential provision is clear and adheres to statutory guidance. • We have clarified the policies in regard to how the distance is measured and updated recommended journey times. • We will update the Parent Guide by co-producing a new Parent Guide to ensure all relevant information is available for officers, parents/ carers. • We will continue to engage with parents to seek feedback on the services offered through workshops and regular feedback opportunities – parents are represented on the SEND Travel Group.
<p>Charging post 16</p>	<ul style="list-style-type: none"> • The financial section has been rewritten and reordered within the policies to ensure that the information is transparent and clarifies the situation for low income families. • A new Parent Guide will be co-produced to ensure all relevant information is available for parents/ carers/officers and ensure information is accessible through the Post 16 websites for students and parents/ carers. • Steps will be taken to ensure that independent travel training is available to those for whom it is suitable. • A process will be put in place for the EHCP annual review from year 9 to ensure discussion of Preparation for Adulthood.
<p>Policy compliance with</p>	<ul style="list-style-type: none"> • We have reviewed the proposed policies in

statutory requirements	light of the available legislative guidance and case law and determined that the policies are compliant.
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15. The proposed policies ensure that :
- They reflect the feedback received;
 - they have been updated to provide additional clarity in respect of the eligibility criteria and the emphasis on the individual needs of the child and family when assessing travel assistance;
 - the Local Authority is meeting its statutory duties and has published policies that are in line with DfE Statutory Guidance;
 - There is an equitable offer to post 16 students.
16. The updated policies have strengthened sections on expectations. This enables the Local Authority to ensure regular review of the use of single pupil transport and escorts.

RISK MANAGEMENT AND IMPLICATIONS:

17. Legal services have provided clear advice on the development of these policies to promote statutory compliance. Their input also extended to rigorous challenge and review of the consultation process to ensure it was acceptable in light of the low response rate to the consultation.
18. Similarly the Education and Skills Board were rigorous in their scrutiny and challenge both during and after the consultation. This scrutiny, both officer and Member led, has ensured all of the feedback received was responded to in the final drafting of the policies and could articulate the sufficiency of the consultation.
19. Further co-design activity will be undertaken with families to ensure SCC has a parent guide available in respect of the application of these policies.
20. Full equality impact assessments were undertaken to ensure the identification of any negative impacts and all impacts identified have suitable mitigations.
21. The finance team have worked closely with the lead officer to ensure that there are no unintended consequences in relation to the implementation of these policies and finance colleagues are satisfied that there will be a neutral effect on the existing budget and could deliver savings in the longer term. No additional funding is required.
22. The publication of the Post 16 policy will ensure there is no reputational damage associated with the Local Authority failing to meet the statutory publication deadline.

Financial and Value for Money Implications

23. The policy proposals are cost neutral and could prove better value for money and generate savings in the longer term.
24. Attracting new parents to use the new travel allowance system could see savings over time. In 2015-16 there were on average 242 children claiming parental mileage per month and there were on average 2,684 children travelling by taxi. Based on the average cost per user, if the number of children travelling by taxi reduced by 5% and these children transferred to a travel allowance, depending on the type and length of route, there could be a potential saving of between £0.5m - £1m.
25. The student contribution in 2015-16 is set at £3.66 per day which equates to £695.40 per year. This rate is reviewed annually, and adjusted by Retail Price Index (RPI) or Consumer Price Index (CPI) (whichever is the lower) in September each year in line with the overarching county policy in respect of fees and charges. In 2015-16 forty students have been charged a student contribution, which has contributed £28,000 to the cost of transport. The contribution would rise to £158,000 per annum when all post 16 students with an EHCP make a contribution towards their travel assistance.

Section 151 Officer Commentary

26. The financial implications of the proposed changes have been appropriately considered in this report.

Legal Implications – Monitoring Officer

27. The public sector equality duty (Section 149 of the Equality Act 2010) applies to the decision referred to in this report. There is a requirement when deciding upon the recommendation to have due regard to the need to advance equality of opportunity for people with protected characteristics, foster good relations between such groups and eliminate any unlawful discrimination. These matters are dealt with in the equalities paragraphs of the report and in the attached Equalities Impact Assessments for Pre 16 and Post 16 (Annex 3 and 4). Members will see that negative impacts have been identified and will need to take account of these and the mitigating actions that have been identified in reaching their decision.
28. In relation to the Policies there is a public duty to consult in relation to the Pre 16 Policy and in relation to Post 16 there is a statutory to consult under section 509AB (6) of the Education Act 1996 as amended by the Apprenticeships, Skills, Children and Learning Act 2009. It was decided that the prescribed statutory consultation process would be adopted for both policies and one consultation run.
29. The consultation process began on 4 January 2016 and was extended until 1 April 2016. The relevant material was made available to consultees by way of an online survey. The consultation page was amended on 24 February with new questions to give improved information on the proposed travel allowance system and a fact sheet of two case studies to show how the introduction of this would affect families financially. As a result of the responses received

during the consultation elements of the Policies have been rewritten and sections reordered in both Policies to ensure clarity and accessible language.

Equalities and Diversity

- 30. An Equalities Impact Assessment (EIA) for each Policy is included in Annexes 3 and 4.
- 31. The policies have been updated to mitigate any potential negative impacts on groups with protected characteristics.
- 32. The summary EIA in relation to the Travel Assistance Policy for Children and Young People with and EHCP or Statement of Educational Needs pre 16 is below (see Annex 3):

Information and engagement underpinning equalities analysis	Consultation with children and young people with SEND and their families; and professionals and voluntary groups working with SEND, from January to March 2016. This identified the need to improve the clarity and accessibility of policies and led to agreement to develop a co-produced Parents' Guide.
Key impacts (positive and/or negative) on people with protected characteristics	Anticipated positive impacts include improved clarity of information in relation to education travel assistance for children/young people with SEND and an improved parental travel allowance offer. Applies for people with protected characteristics, specifically children and young people with disabilities and their families. Negative impacts may include affordability issues for some people with protected characteristics; however, it is intended to mitigate this through clarity about how cases of financial hardship can be supported.
Changes you have made to the proposal as a result of the EIA	Re-drafted policies with clearer information about entitlement and provision and emphasis that individual needs will be considered; clearer information relating to financial hardship and/or exceptional needs; agreement to co-produce a Parents' Guide; proposals for staff training and communications.
Key mitigating actions planned to address any outstanding negative impacts	Re-drafted policies with clearer information about entitlement and provision and emphasis that individual needs will be considered; clearer information relating to financial hardship and/or exceptional needs; agreement to co-produce a Parents' Guide; proposals for staff training and communications.
Potential negative impacts that cannot be mitigated	None identified

- 33. The Equality Impact Assessment summary for the Travel Assistance Policy for Children and Young People with and EHCP or Statement of Educational Needs 16-25 is below (see Annex 4):

Information and engagement underpinning equalities analysis	Consultation with young people with SEND and their families; and professionals and voluntary groups working with SEND, from January to March 2016. This identified the need to improve the clarity and accessibility of policies and led to agreement to develop a co-produced Parents' Guide.
Key impacts (positive and/or negative) on people with protected characteristics	Anticipated positive impacts include improved clarity of information in relation to education travel assistance for young people with SEND and an improved parental travel allowance offer. Applies for people with protected characteristics and specifically young people with disabilities and their families. Negative impacts may include affordability issues for some people with protected characteristics; however, it is intended to mitigate this through clarity about how cases of financial hardship can be supported, and offering transition arrangements to current claimants.
Changes you have made to the proposal as a result of the EIA	Re-drafted policies with clearer information about entitlement and provision and emphasis that individual needs will be considered; clearer information relating to financial hardship and/or exceptional needs; offering transition arrangements; agreement to co-produce a Parents' Guide; proposals for staff training and communications.
Key mitigating actions planned to address any outstanding negative impacts	Re-drafted policies with clearer information about entitlement and provision and emphasis that individual needs will be considered; clearer information relating to financial hardship and/or exceptional needs; offering transition arrangements; agreement to co-produce a Parents' Guide; proposals for staff training and communications.
Potential negative impacts that cannot be mitigated	None identified.

WHAT HAPPENS NEXT:

34. The policies will be adopted and published by 31 May 2016. They will be supported by a communications campaign during the summer term.
35. The Parent Guide will be co-produced with families by 31 July 2016 to ensure that parents have access to parent friendly guidance that is transparent and comprehensive. The Parent guide will be promoted through a communications campaign.
36. Internal systems will be updated to reflect the new policy arrangements

37. Transition arrangements will be put in place in respect of the Parent Travel Allowance Scheme with final authorisation sought from the Cabinet Member for Schools, Skills and Educational Achievement and the Cabinet Member for Environment and Planning.
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Contact Officer:

Liz Mills, Assistant Director SEND Strategic Lead
Tel: 020 8541 7608

Consulted:

Education and Skills Board
Public
Family Voice Surrey
Paul Millin, Group Manager Travel and Transport
Sue Roch, South East Area Education Officer
Julie Stockdale, Assistant Director (Interim) Schools and Learning

Annexes:

- 1 Proposed Travel Assistance Policy pre 16
- 2 Proposed Travel Assistance Policy Post 16
- 3 Pre 16 EIA
- 4 Post 16 EIA

Sources/background papers:

- SEND Code of Practice 2014 and associated guidance (DfE)
 - Home to School Travel and Transport Statutory Guidance July 2014 (DfE)
 - SCC Home to School Transport Policy for 4-16 year olds 2016/17
 - SCC Home to School transport Policy for 16 – 25 years olds 2015/16
 - SEND 2020 Strategy, SEND Development Plan (Spring 2016)
 - National Statistics: Pupil absence in schools in England: 2014 to 2015
 - <https://www.gov.uk/government/statistics/pupil-absence-in-schools-in-england-2014-to-2015>
 - Consultation Response Data Pack
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