

CABINET MEMBER DECISION

Decision:

Public Questions

(i) Details of decision

A response to the two public questions was published in a supplementary agenda on Monday, 8 June 2020.

(ii) Reasons for decision

To respond to the two public questions.

(iii) Details of any alternative options considered and rejected

None.

(iv) Details of any consultation and representations received not included in the published report

1. The Cabinet Member for All-Age Learning informed Ms Collings that she was entitled to one supplementary question per submitted question.

Supplementary Question 1

2. Ms Collings stated that she felt the response had not addressed the main issues outlined in her question which were that it was both a risk and inappropriate for the council to rely on guidance which was still in draft form. The Cabinet Member noted that Ms Collings had circulated an email outside the meeting which stated that the Department of Education (DfE) had indicated that local authorities should be referring to the 2014 guidance at this time.
3. The Cabinet Member stated that she felt the council had been very clear on the distinction between the 2014 and the reason why the DfE were consulting on it. The Assistant Director - Systems & Transformation went on to confirm that the council had looked to the July 2019 consultation as the DfE had confirmed that the law would not be changing, and only further clarification would be provided to help the reader understand the law. The Assistant Director went further confirmed that the council's policy aimed to clarify standards and expectations for parents.
4. Ms Collings further highlighted that the wording in the policy stated that the maximum travel times for primary and secondary should be 45 and 75 minutes respectively and stated that the word 'should' may cause families to be confused. The Assistant Director responded by stating that the DfE had set out a number for reasons why the wording cannot say 'must' and that the council's policy was very clear on reasonable maximum journey times and mirrored the language set out by the DfE. The Cabinet Member went on to confirm that she was assured that all journey route planning took into account the maximum journey times.

Supplementary Question 2

5. In regards to the travel allowance for parents, Ms Collings stated that she was very pleased that the council was open to reviewing the process however felt that an analysis which showed that the scheme was not beneficial for families travelling over four miles should have been included in the equality impact assessment. The Assistant Director confirmed that the council had agreed to meet with Family Voice Surrey and families to discuss different models for the travel allowance scheme in a transparent way. The Cabinet Member noted that no comments were raised on the matter during the recent consultation.

Conflicts of Interest and any Dispensations Granted

(Any conflict of interest declared by any other Cabinet Member consulted in relation to the decision to be recorded and any dispensations granted by the Audit and Governance Committee)

None.

Decision taken by:

- (i) **Name:** Julie Iles
- (ii) **Portfolio:** Cabinet Member for All-Age Learning

Date of Decision: 09 June 2020

Date of Publication of Record of Decision: 10 June 2020

Date decision effective (This decision cannot be called in): 10 June 2020

CABINET MEMBER DECISION

Decision:

Petitions

(i) Details of decision

A response to the petition was published in a supplementary agenda on Monday, 8 June 2020.

(ii) Reasons for decision

To respond to the petition.

(iii) Details of any alternative options considered and rejected

None.

(iv) Details of any consultation and representations received not included in the published report

1. The Cabinet Member informed the Lead Petitioner that he was entitled to speak for three minutes.
2. The Lead Petitioner confirmed that he was in full agreement with the Council that the school was overdue for refurbishment or rebuild. The Lead Petitioner went on to make the following comments:
 - stated that very few Cranleigh residents were aware of the council's proposals and those who were aware did not agree with the decision to relocate the school to a new site due to issues with access and security. The Lead Petitioner further stated that the current site was perfectly suitable.
 - There was a significant cost to relocate the Acorn Nursery
 - That the planning mitigation was built into the cost if the school was rebuilt on the current site. This therefore meant that the cost to build on both sites was the same however there were added benefits to build on the current site.
 - That he hoped the council will make the right decision for the residents of Cranleigh.
3. The Cabinet Member thanked Mr Dale for his time and stated that the virtual meeting held on Friday, 5 June 2020 was a public meeting and not a consultation. Any reference to it as a consultation was in error.
4. The Client Account Manager confirmed that details of the proposals had been publicised in a number ways and that he felt there had been sufficient engagement on the matter.
5. The Cabinet Member made a statement which is attached to this decision sheet as annex 1.

Conflicts of Interest and any Dispensations Granted

(Any conflict of interest declared by any other Cabinet Member consulted in relation to the decision to be recorded and any dispensations granted by the Audit and Governance Committee):

None.

Decision taken by:

- (i) **Name:** Julie Iles
- (ii) **Portfolio:** Cabinet Member for All-Age Learning

Date of Decision: 09 June 2020

Date of Publication of Record of Decision: 10 June 2020

Date decision effective (This decision cannot be called in): 10 June 2020

CABINET MEMBER DECISION

Decision:

Charging for Home to School/College Travel Assistance for Post 16 learners with SEND

(i) Details of decision

The Cabinet Member for All-Age Learning considered and took into account the rationale for the implementation of charging a contribution for Post 16 travel assistance for SEND learners and the recommended charging levels, the equality impact assessment as well as the mitigations for young people or families in severe financial hardship and

1. agreed to the implementation of charging for Post 16 travel assistance for learners with an Education Health and Care Plan (EHCP) who are deemed eligible;
2. agreed to the proposed charges for academic year 2020/21, which are the same as for eligible Post 16 learners without an EHCP, and which are:
 - 2.1 £547.20 for learners whose families are in receipt of the maximum Working Tax Credit and /or who continue to meet the eligibility criteria for Free School Meals; learners in care; care leavers; those on Income Support/Universal Credit in their own right; disabled young people who receive Employment Support Allowance/Universal Credit and either Disability Living Allowance or Personal Independence Payment in their name, or
 - 2.1 £756.20 for all other learners;
3. agreed the circumstances when the Council will consider delaying, reducing or waiving contributions for young people or families in severe financial hardship and the process for dealing with any such applications.
4. noted and agreed minor grammatical amendments to the Council's Home to School/College Travel and Transport Policy which was published in February 2020 (paragraphs 21-22).

(ii) Reasons for decision

The Council has a responsibility to meet its statutory duties related to home to school transport for eligible children and young people. Travel assistance for Post 16 learners is a discretionary provision and charging for it is permitted by law. Questions have been raised as to whether the decision taken by the Cabinet Member on 31 January 2020 to adopt the Home to School/College Travel and Transport Policy properly addressed the issue of charging. In order to address those questions, the Cabinet Member is now asked to reconsider the issue of charging afresh.

The proposed rates of financial contributions are reasonable when considered alongside the actual cost of providing the service and taking into account the fact that the charges are in line with those charged by other councils. Where there is severe financial hardship such that the charges are not affordable, the Council can use its discretion to delay, reduce or waive the charge. To ensure the effective and sustainable delivery of the Council's statutory responsibilities for home to school travel and transport for children and young people, changes have to be made. Surrey County Council has to make difficult choices in straitened

financial circumstances in order to secure effective public spending and the efficient use of public resources.

(iii) Details of any alternative options considered and rejected

None.

(iv) Details of any consultation and representations received not included in the published report

The Cabinet Member made a statement which is attached to this decision sheet as Annex 2.

Conflicts of Interest and any Dispensations Granted

(Any conflict of interest declared by any other Cabinet Member consulted in relation to the decision to be recorded and any dispensations granted by the Audit and Governance Committee)

None.

Decision taken by:

(i) Name: Julie Iles

(ii) Portfolio: Cabinet Member for All-Age Learning

Date of Decision: 09 June 2020

Date of Publication of Record of Decision: 10 June 2020

Date decision effective (i.e. 5 working days after date of publication of record of decision unless subject to call-in by the Children, Families, Lifelong Learning and Culture Select Committee): 18 June 2020

Annex 1

You will see from the response that the first petition presented in March was rejected and the one I speak to here is that submitted by Mr Trevor Dale in April of this year. By the time of its closing on May 26th there were 223 online signatories to petitioning SCC to renovate and rebuild Cranleigh C of E Primary School on the present site and to be clear that is to relocate the existing infant pupils onto the existing junior site.

There has been a long-standing intention to bring the infant and junior sites together on to a single campus. The business case which was approved by cabinet in October 2019 fulfils that intention and it also provides the additional school places that will be required in Cranleigh as the various housing developments are brought through and the nursery will be co-located which includes Free Educational Entitlement for 2-year olds.

SCC acknowledge the building condition at the current school is sub-optimal and that the school has not opted to join the schemes which support schools in maintaining and repairing their buildings.

The report raises concern about the significant impact that works on the existing site will cause including the loss of outdoor space. The phasing of works on site indicates a 45-month period to completion so a child starting in year 3 in September 2020 would leave before the project completion. The senior leadership team at the school would need to engage and provide greater input and at a school currently highlighted as one causing concern following a decline in standards the management focus should be on improving educational delivery.

In the comparison of Pros and Cons the benefits of relocation to a new site far outweigh the drawbacks. The financial viability is based upon combining a number of funding streams: S106 developer contributions, future sale of existing school sites for residential development, and a successful bid to the DfE Priority Schools Building Programme 2 to replace the reception year building on the infant site. This would be directed to the rebuild project and is subject to a detailed application as part of that project. Cost comparisons between the build costs on a new site and like for like on the existing site indicate a not insignificant funding gap but when full project costs for refurbishment, relocation, disposals and borrowing are factored in the required funding cannot be identified.

A relocated school would utilise sustainable and energy efficient building techniques, the outdoor space would comply with latest guidance and an artificial pitch would provide greater flexibility and year round use and the school hall would be greater than mandated whereas the hall at the current junior site is not adequate in size.

In conclusion the intention is that SCC will relocate and provide a new school for Cranleigh CofE Primary on a new site. A sequential test was undertaken to review all possible existing spaces within the local area, and Glebelands is the optimum site. The existing site is not big enough to accommodate the co-location of the currently separated key stages, the expansion and the nursery.

However, it is evident from this petition and from representations made in a virtual meeting with stakeholders, local councillors, residents and representatives of the Diocese and the governing body and the headteacher which took place on Friday of last week that some members of the local community are opposed to this new build project. The governing body express a preference for a rebuild on site and the headteacher is optimistic about her capacity to manage the project at no detriment to the education of the children at the school.

I am therefore proposing that SCC write to the DfE asking if the identified PSBP2 funding can be allocated to a refurbishment on the junior site. I'm sure it will be something that the local MP, Angela Richardson will take an interest in given her role as PPS to the department. When this outcome is known we can review further. Consequently I cannot give any indication of when essential repairs might be carried out to the existing buildings.

I also have a fiduciary responsibility to provide best use of taxpayer money so I will not commit to make up any funding gap which would be necessary as a result of opting for refurbishment and provision of the additional places on the junior site as full funding was provided for in the business case for the build on a new site.

The parallel planning application for the multi-use games pitch will not be required without the new build project.

I would caution the local community to recognise that this does not provide for expansion of places and in the near future they may have to accept demountable buildings on site to cater for additional places being required because of house building, if indeed space remains available on site after the co-location, or there will be a requirement to travel to the new school build being provided as part of the development at Dunsfold. If that travel is required it has cost implications for the council, should pupils meet the eligibility criteria on provision being made because of distance from home to school, and it does not serve the green agenda as it adds to emissions with additional journeys being made.

Without an additional form of entry I have concerns about the sustainability of the school as other schools with a one form intake have closed whilst others have significant budgetary challenges. I remain concerned about the significant impact that a build on the existing site will have on timescales and the children's education.

Annex 2

CABINET MEMBER FOR ALL-AGE LEARNING DECISIONS

9 June 2020

CONSIDERATION OF CABINET REPORT, EQUALITY IMPACT ASSESSMENT AND MITIGATIONS

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| Cabinet Member Consideration |
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As the Cabinet Member for All-Age Learning I have delegated responsibility from the Leader and Cabinet for decisions related to home to school travel and transport.

Today, I am being asked for my approval to implement charging for post 16 SEND transport, to agree to the levels of charging and to agree in broad terms the circumstances when the Council will consider delaying, reducing or waiving contributions for young people or families in severe financial hardship. I will also consider and note some grammatical changes to the

Home to School/College Travel and Transport Policy that I approved on 31 January 2020. These wording changes do not alter the policy, and are intended to aid the reader's understanding of it.

I have read the Cabinet Member report of Dave Hill, Executive Director for Children, Families, Lifelong Learning and Culture, as well as the equality impact assessment and the mitigations of key concerns and impacts (Annex A). I have also taken into account the feedback submitted by Family Voice Surrey. Family Voice has submitted two questions to me and I will address those issues verbally now as well as provide a written response.

I will now set out my considerations in turn.

Decision 1: the implementation of charging for Post 16 travel assistance for learners with an Education Health and Care Plan (EHCP) who are deemed eligible

As regards the recommendation to implement a charge for Post 16 travel assistance for learners with SEND, I am mindful that Cabinet decided that the Council could charge a contribution in its decision of 28 November 2017 but decided not to implement the decision at that point. Cabinet delegated authority to me to make the decision on its implementation.

I note the benchmarking with other local authorities confirms that, of those councils that continue to provide Post 16 transport, all charge for it. I am also mindful that this is a discretionary service, and that the average costs of travel assistance for a Post 16 SEND learner is £7,704 per academic year.

I have considered and taken into account the mitigations identified in the Equality Impact Assessment to enable families to budget for this contribution in their household finances. I am satisfied that engagement and communication with families and young people will enable them to prepare and budget accordingly, including through applying for national and provider bursary and hardship funds. I note the proposal for the Council to introduce a discounted charge for families on low incomes and in receipt of certain benefits to reduce the financial impact on these families, and I will consider the levels of charging in my next decision. I also note that the Council can use its discretion to consider delaying, reducing or waiving the charge for families experiencing severe financial hardship.

In its consideration of the introduction of charging for Post 16 SEND learners on 28 November 2017, Cabinet considered a potential negative impact that Post 16 young people and their families may be confused at a perceived inconsistency in the law that requires travel arrangements for eligible adult learners (age 19-25) with an EHCP to be made free of charge while the law allows for local authorities to introduce a contribution for the 16-18 age group. In order to mitigate risk and to allow families and young people to understand the differences in law, Cabinet agreed that charges for travel assistance for Post 16 SEND learners would not be introduced in academic year 2018/19.

I note that in that time, the Department for Education has updated the statutory guidance published related to Post 16 transport and travel, and provided greater clarity on the sixth form age and adult duties, including clearer explanation for local authorities, parents and young people of when each applies. The Council also explained extensively the different statutory responsibilities for different age groups during its Autumn 2019 consultation and set these out clearly in its new policy. On this basis, I am satisfied that the risk identified in the 2017 EIA has been sufficiently mitigated.

I am also mindful that the Council has identified positive impacts of the promotion of independence and that these should be balanced against negative impacts.

Taking all this into account, I agree to this recommendation.

Decision 2: the proposed charges for academic year 2020/21

As regards the recommended levels of charging, I note that, as this is discretionary provision, local authorities are able to introduce charges that reflect a reasonable assessment of the cost of provision as well as affordability for families and young people. These charges are not set nationally, and I note benchmarking confirms that the charges councils make vary.

On the basis of consistency, fairness and affordability, I agree to the recommendation that the Council introduces the proposed charges for Post 16 learners with an EHCP for academic year 2020/21 as set out in paragraph 13 of the Cabinet Member report. I note these charges are reasonable in comparison with charges made by other local authorities and the cost of providing the transport, are predictable, and can be paid in termly instalments.

Decision 3: the circumstances when the Council will consider delaying, reducing or waiving contributions for young people or families in severe financial hardship and the process for dealing with any such applications

The two rates of charges that I have just agreed provide a reduced contribution for families with a low household income. However, the Council recognises that there may be families who experience circumstances that create severe financial difficulties. The Council has discretion to consider delaying, reducing or waiving the charge.

I have considered the proposed criteria and process for families to raise with the Council any circumstances that impact the ability to pay the charge, set out in paragraphs 18-20 of the Cabinet Member report. I consider these provide for the Council to exercise fully its discretion and agree to this recommendation.

Decision 4: minor grammatical amendments to the Council's Home to School/College Travel and Transport Policy which was published in February 2020

My final decision relates to a small number of grammatical inconsistencies and errors in the wording of the Council's new policy that have come to light. In addition, feedback from families indicates that communication about some of the processes for applying could be made clearer for parents and carers.

I note in particular the recommended change to the wording in paragraph 7 of the new policy as suggested by Family Voice Surrey. The Council welcomes this feedback and has reflected it in this report.

I have considered each of the recommended procedural updates in paragraph 21 and, on the basis that they do not change the policy, only clarify it, I agree to the recommended changes.

Family Voice proposed two further changes to the Council's new policy, one related to the wording regarding travel times, the other changing the Council's way of calculating a Travel Allowance. Council officers considered both proposals in detail and provided responses to Family Voice about why they did not accept these changes.

On the issue of the wording related to travel times, the Council's policy mirrors the wording in the DfE's proposed revised statutory guidance on travel times. It does so as the DfE's clear intent is not to change the law or to remove safeguards, but to clarify it for local authorities

and for families. In terms of our practice, we do monitor closely our route times and are very mindful of the recommended maximum travel times.

I also acknowledge Family Voice's concerns about the way in which the Council calculates its Travel Allowance. In the Autumn consultation, we were keen to understand from families what the barriers were to take up of the Travel Allowance. The vast majority indicated it was other commitments such as work or lack of a car/second car, not the amount of the allowance.

Our initial internal review last summer indicated that if we changed to another model, some families would be better off and some worse. For this reason, we need to carefully consider the options, with families, before we make any changes.

We have offered to meet with Family Voice, and through their networks with families, to discuss other options for calculating the Travel Allowance.

Conclusion

I consider that the Council has approached the implementation of charging for Post 16 SEND travel assistance in a fair and open manner. It has carefully considered its statutory responsibilities, benchmarked with other local authorities, provided mitigations for potential negative impacts and listened to feedback and views.

I would like to thank all those who contributed to this report and the recommendations in it.

Julie Iles
Cabinet Member for All-Age Learning
9 June 2020