

**SURREY COUNTY COUNCIL**

**CABINET**

**DATE: 16 JULY 2019**

**REPORT OF: MRS JULIE ILES, CABINET MEMBER FOR ALL-AGE LEARNING**

**LEAD OFFICER: DAVE HILL, EXECUTIVE DIRECTOR FOR CHILDREN, FAMILIES, LIFELONG LEARNING AND CULTURE**

**SUBJECT: SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND) TRAVEL ASSISTANCE**



**SUMMARY OF ISSUE:**

All councils have statutory responsibilities related to home to school transport. Surrey County Council is proposing to review and ensure its SEND travel assistance policy enables the Council to continue to deliver its statutory responsibilities, improves outcomes for children and young people with SEND and controls costs.

**RECOMMENDATIONS:**

It is recommended that Cabinet:

1. approves the design principles to support the delivery of the Council's statutory responsibilities for home to school transport for children and young people with special educational needs and disabilities (paragraph 9);
2. agrees that the Executive Director in consultation with the Cabinet Member finalises proposals for public consultation from September 2019;
3. delegates responsibility to the Cabinet Member in consultation with the Executive Director for reviewing the Council's SEND travel assistance policy following public consultation in Autumn 2019, including with children and young people with SEND and their families.

**REASON FOR RECOMMENDATIONS:**

There are significant areas of underperformance in relation to Surrey County Council's delivery of its arrangements for home to school transport for children and young people with special educational needs and disabilities. Poor practice and culture are driving poor outcomes for children and young people and high costs. Delivery of the outcomes sought through the proposed design principles will benefit all Surrey residents by supporting the integration and independence of children and young people with SEND, promoting environmental sustainability and securing the efficient use of public resources.

**DETAILS:****Home to School Transport: Statutory duties**

1. Parents have a legal duty to ensure that their statutory school-aged children (5-16) attend school regularly and to make any necessary arrangements to ensure that they attend school.
2. Local authorities have a statutory duty to make suitable arrangements to provide free home to school transport for children of compulsory school age (aged 5-16) to the nearest suitable school for their home address who meet the qualifying distance criteria which are:
  - 2 miles or more for children below the age of eight
  - 3 miles or more for children aged eight and above
3. This duty applies to all children whether they have special educational needs or a disability or not. However, for those children who cannot reasonably be expected to walk to school accompanied by an adult because of their special needs or disability, they are entitled to free school transport regardless of the distance they live from school.

**SEND Travel Assistance in Surrey**

4. Most local authorities in the country have moved to a 'statutorily compliant' home to school transport service. Surrey County Council continues to provide significant discretionary provision for children with SEND. This includes some free provision for pre-school children and post-16 young people with SEND, and significant bespoke provision for children and young people of all ages 0-25.
5. The Council spends nearly £700,000 on transporting pre-school age children, a further £5 million transporting young people over the age of 16 to college or school and over £11 million transporting children with SEND in a taxi on their own or with an adult passenger assistant. The Council is currently spending nearly 50% more on SEND transport than it did in 2013/14. The Council faces a potential overspend in 2019/20 on the SEND Transport budget of £4 million. This year on year increase is financially unsustainable.

<b>Financial year</b>	<b>Annual spend £'000</b>
2013/14	£22,253
2017/18	£28,062
2019/20	£33,260

6. As a consequence of this, Surrey is a significant outlier in terms of spend on SEND travel assistance, which was confirmed by independent analysis and benchmarking earlier this year. In 2017/18, Surrey spent £91.50 per 0-17 year old on SEND transport for children under 16, compared to £31.40 in Hertfordshire and £38.10 in Essex, counties of similar populations, demographics and geographies.
7. Hidden in this is the high number of children and young people who travel significant distances on their own in a taxi, often well into young adulthood. This does not promote independence and preparation for adulthood, nor is it inclusive. The Council

is currently delivering a service that fosters dependency and isolation for many children and young people with SEND.

8. Key features of the current policy, practice and culture that underpin poor outcomes for children and young people and high comparative costs are:
  - Significant historic levels of discretionary spend –beyond the statutory requirements and by comparison with other authorities
  - Independent Travel Training only recently developed
  - School and parental expectations of solo routes and passenger assistants rather than options that promote independence and integration of children and young people
  - Settings determining travel arrangements and timings
  - Practice that is not coherent and consistent in determining ‘exceptional circumstances’
  - A need for more robust annual review process for children and young people as to travel provision or continued eligibility
  - Council budget and expenditure responsibilities not aligned

#### **Proposed design principles for SEND Travel Assistance**

9. In order to foster consistency of practice and equity of provision of SEND travel assistance, Cabinet is asked to consider and agree a set of design principles that will underpin a public consultation with residents in Autumn 2019, including with children and young people with SEND and their families. The consultation will propose a range of policy options and will inform a refresh of the Council’s SEND Travel Assistance policy.
10. The proposed design principles are:
  - Social integration of children and young people whatever their needs
  - Independence for children and young people with SEND
  - Promotion of parental responsibility to make any necessary arrangements to ensure their children attend school
  - School responsibility to collaborate with the council on SEN transport and for the behaviour of children outside the school premises
  - Equity
  - Environmentally sustainable transport
  - Efficient use of public resources
11. Cabinet is asked to agree that the Executive Director in consultation with the Cabinet Member finalises proposals for public consultation from September 2019 and delegate responsibility to the Cabinet Member in consultation with the Executive Director for reviewing and refreshing the Council’s SEND Travel Assistance policy following public consultation in Autumn 2019. Subject to Cabinet member approval, the new policy will be published in early 2020.

12. The timetable is set out below:

<b>Date</b>	<b>Action</b>
16 July 2019	Cabinet to consider and agree design principles to inform a 12 week consultation on a range of proposals regarding the Council's SEND travel assistance policy and provision; delegate responsibility to Cabinet Member for reviewing the policy following consultation.
July – August 2019	Executive Director to develop and finalise proposals for public consultation, in consultation with the Cabinet Member.
September - December 2019	12 week public consultation on proposals for policy change.
January 2020	Cabinet Member considers results of consultation, agrees policy options and instructs officers to write a new SEND travel assistance policy in light of agreed changes (Cabinet Member decision).
February 2020	Cabinet Member, in consultation with Executive Director, agrees new policy, policy published and implemented.
September 2020	Policy changes take effect for academic year 2020/21.

#### **CONSULTATION:**

13. A twelve week public consultation will take place from September 2019 on proposals to refresh the Council's SEND Travel Assistance policy. These proposals will be underpinned by a set of design principles agreed by Cabinet.
14. During the consultation period, there will be significant engagement with children and young people with SEND to understand their experiences of travel and transport to educational settings, their aspirations for independence and integration and what supports them to arrive safely, on time and ready to learn. Residents will be engaged through a series of public meetings in three locations in the County, scheduled for the morning, afternoon and evening; settings will be engaged through Phase Council meetings in the Autumn.

#### **RISK MANAGEMENT AND IMPLICATIONS:**

15. The consultation process will need to be carefully managed to ensure a wide range of residents are able to contribute their views, including children and young people with SEND and their families and the professionals who work with them. Multiple channels will be used to promote the consultation such as digital, through schools and settings and through representative groups of children and families.
16. There is a significant risk to the Council of not being able to contain the escalating financial costs of providing SEND travel assistance beyond what is statutorily required.

#### **FINANCIAL AND VALUE FOR MONEY IMPLICATIONS**

17. In January 2019, independent analysts conducted a review of SEND travel assistance for the Council that demonstrated that the Council is an outlier with regard to provision of transport for non-statutory school aged children and young people with SEND, those in pre-school and post 16 year olds. The benchmarking confirmed that

pre-school provision is very rarely provided by other local authorities, and of the local authorities that continue to provide transport for post 16 year old young people, all charge for this provision. The fees charged vary by local authority and are in line with the charges for home to school transport for young people without SEND.

18. The review also highlighted the significant provision of single route vehicles with one child or young person as passenger (in a taxi) across all ages and settings. It concluded that there were inefficiencies in the mode of provision which had value for money implications.
19. The following table sets out the estimated annual cost of SEND travel assistance, with approximately £5.7 million spent on discretionary provision for pre-school and post 16 year olds.

School phase	Annual spend
Pre-school	£684,712.52
Primary	£13,350,050.07
Secondary	£14,239,594.01
Post-16	£4,986,008.58
<b>Grand total</b>	<b>£33,260,370.19</b>

20. In addition to reviewing the application of policy in discretionary ages of provision, it is essential to review the high costs of the mode of provision to ensure that the most effective commissioning, procedural and procurement processes are in place.

#### **SECTION 151 OFFICER COMMENTARY**

21. The financial challenges facing the Council remain very significant. This means that substantial savings continue to be required in order to deliver a balanced budget in the current year and a sustainable budget plan for future years, each of which are very important to enable the safe delivery of services to residents. Children, Families, Lifelong Learning and Culture is undertaking a major transformation journey to improve services for children and families. This is a high priority service and is a key part of the improvement programme.
22. Expenditure in this area of £33.3 million per year is equivalent to approximately 5% of the yield from Council Tax. The Section 151 officer acknowledges that this initiative will ensure the effective delivery of the Council's statutory responsibilities for home to school transport for children and young people with special educational needs and disabilities. It will also demonstrate effective public spending and the efficient use of public resources.

#### **LEGAL IMPLICATIONS – MONITORING OFFICER**

23. This paper sets out the statutory framework that underpins the Council's responsibility to provide home to school transport assistance.
24. At this point the Cabinet is only being asked to agree the basic design principles that will be used to formulate the proposed changes to the travel assistance policy. There are no legal implications that flow from that.
25. The scheme of delegation within the Council's Constitution permits delegation of the agreement to changes in the Travel Assistance Policy for children and young people

with education health and care plans to the Lead Cabinet Member. When that delegation is exercised, consideration will need to be given to the public consultation responses and the Equality Impact Assessment referred to in the paragraph below.

#### **EQUALITIES AND DIVERSITY**

26. The design principles to underpin proposals to refresh the Council's SEND Travel Assistance policy are intended to foster the social integration, independence and preparation for adulthood of children and young people with special educational needs and disabilities. These are positive impacts for these groups with protected characteristics, and promote equality of opportunity and good relations between children with SEND and those without.
27. The proposals for consultation in Autumn 2019 will be subject to a full Equality Impact Assessment (EIA) which will be published at the point of consultation. The EIA will be updated in light of the consultation responses received, and prior to any decision-making regarding the Council's SEND Travel Assistance policy and published in full.

#### **SAFEGUARDING RESPONSIBILITIES FOR VULNERABLE CHILDREN AND ADULTS:**

28. The proposed design principles are intended to enable the Council to better meet its statutory requirements for travel assistance for children and young people with SEND.

#### **ENVIRONMENTAL SUSTAINABILITY:**

29. Promoting environmental sustainability is one of the proposed design principles for SEND travel assistance.

#### **WHAT HAPPENS NEXT:**

1. Officers will publish a consultation document on proposals for SEND Travel Assistance for a 12 week public consultation from September 2019.
2. Engagement events to be organised as set out in this Cabinet paper during September – December 2019.
3. An analysis of the responses will inform a final set of proposals to be reflected in a refreshed Surrey County Council SEND Travel Assistance policy for consideration and decision-making by the Cabinet Member in early 2020.
4. Subject to decision-making, the SEND Travel Assistance policy to be published in early 2020 and communicated widely to children and young people with SEND and their families through the Surrey Local Offer, through schools and settings and directly with families.

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#### **Contact Officer:**

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**Consulted:**

Leader of the Council

Cabinet Member

Executive Director for Children, Families, Life Long Learning and Culture

Director of Education, Lifelong Learning and Culture

**Annexes:**

None

**Sources/background papers:**

- Home to school travel and transport guidance: Statutory guidance for local authorities, July 2014, Department for Education
  - Post-16 transport and travel support to education and training: Statutory guidance for local authorities, January 2019, Department for Education
  - Education Act 1996
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