

SURREY COUNTY COUNCIL

CABINET MEMBER FOR ALL-AGE LEARNING

DATE: 31 January 2020

**LEAD OFFICER: Dave Hill, Executive Director for Children, Families,
Lifelong Learning and Culture**

SUBJECT: Home to School/College Travel and Transport Policy

COMMUNITY VISION OUTCOME: People



SURREY

SUMMARY OF ISSUE:

The purpose of this report is to seek approval from the Cabinet Member for All-Age Learning to implement a revised Home to School/College Travel Assistance and Transport Policy following the conclusion of a twelve week public consultation. The three most significant changes relate to discretionary transport provision for children and young people, including those with special educational needs and disabilities, and are set out in paragraphs 12, 13 and 14 of this report.

RECOMMENDATIONS:

It is recommended that the Cabinet Member for All-Age Learning considers and takes into account the analysis of the responses to the public consultation (Annex A), the equality impact assessment and the mitigations of key concerns and impacts (Annex B), and

1. endorses the strong focus on independence and preparation for adulthood in the new policy
2. approves the recommended three policy options that were the subject of consultation covering
 - 2.1 transport for children below the age of 5 (paragraph 12)
 - 2.2 transport for children of compulsory school age who turn 8 (paragraph 13)
 - 2.3 transport for young people aged 17 – 18 (paragraph 14)
3. approves Surrey County Council's Home to School/College Travel Assistance and Transport Policy (Annex C)
4. approves the policy implementation timetable (paragraphs 15-16)

REASON FOR RECOMMENDATIONS:

The Council has a responsibility to support greater independence of young people as an important step towards adulthood and to enabling them to fulfil their potential. Equally, the Council has a responsibility to meet its statutory duties related to home to school transport for eligible children and young people. The proposed policy meets these statutory duties and the implementation timetable allows families and young people sufficient time to prepare for changes to discretionary provision.

DETAILS:

Background to the consultation:

1. Surrey County Council reviewed and consulted on its home to school/college travel and transport policy. This is something all councils are required to do periodically, and in doing this, the Council is seeking opportunities to improve outcomes for children and young people in Surrey, particularly those with special educational needs and disabilities (SEND). The policy is intended to make sure the Council continues to be able to deliver its statutory responsibilities. However, our analysis and comparisons with other areas indicated that currently poor practice and culture are driving poor outcomes for children and young people in Surrey and high costs. The consultation document provided examples of this.
2. On 16 July 2019, Cabinet agreed a set of design principles to shape the new Home to School/College Travel and Transport Policy:
 - a) Social integration of children and young people whatever their needs
 - b) Independence for children and young people with SEND
 - c) Promotion of parental responsibility to make any necessary arrangements to ensure their children attend school
 - d) School responsibility to collaborate with the council on SEN transport and for the behaviour of children outside the school premises
 - e) Equity
 - f) Environmentally sustainable transport
 - g) Efficient use of public resources
3. Engagement with young people with SEND in Surrey confirmed that young people value independence highly, and that they want their parents, schools and the services that support them to help them prepare for adulthood, including continued access to education, employment opportunities and access to essential services and activities in the community. The ability to travel independently is important to them now to attend school, participate in community life and socialise with friends; it is also fundamental to their future ambitions. Through the consultation, the Council proposed that its policy more strongly supports independence.
4. A twelve-week public consultation opened on 23 September 2019 and closed on 15 December 2019. The approved design principles shaped the focus of the consultation which featured a strong focus on supporting independence and preparation for adulthood for young people with SEND, as well as flexible travel arrangements for parents and carers who have multiple commitments. The full consultation document outlined the reasons the Council was reviewing its policy, how it was consulting, its intention to provide greater focus on promoting

independence for young people and three policy options regarding current discretionary provision of home to school/college transport.

5. In addition to an on-line survey, the Council held nine public engagement events across the county in both daytime and evening attended by parents, young people, professionals and representatives of groups such as Family Voice Surrey and Healthwatch Surrey. Young people provided their views through focus groups sessions led by SEND Youth Advisers Surrey (SYAS), and school leaders through sessions with the phase council representatives (early years, primary, secondary and special). Family Voice Surrey were consulted on their views.

Supporting independence and preparation for adulthood:

6. The SEND Code of Practice states: **‘The vast majority of young people with SEN are capable of sustainable paid employment with the right preparation and support. All professionals working with them should share that presumption.’ (para 8.31)** Enabling a young person to fulfil their potential can be greatly enhanced by supporting them to travel independently, as employers very rarely provide home to work transport for their staff. Many councils have had significant success of this and have seen improved outcomes for their young people with SEND.
7. In Surrey, our review of the pathways that young people follow after their Education, Health and Care plan (EHCP) ceases indicates that approximately 4% of children and young people with an EHCP are likely to transition into continuing health care funded by the NHS due to significant health care needs, when they become adults. A further 11% of children with an EHCP are likely to transition into Adult Social Care when their EHCP ceases. This means that for 85% of children and young people with an EHCP, the Council’s support for them will cease by the age of 25 at the very latest. In Surrey, as at 6 January 2020, there are 9,820 children and young people with an EHCP, and the vast majority of them could be supported onto an employment pathway, with preparation to travel independently a key component.
8. The consultation sought feedback and views on how young people might benefit from this support. See **Annex A** for a summary and analysis of the consultation feedback.

Review of discretionary provision:

9. Parents have a legal responsibility to ensure that their statutory school-aged children (5-16) regularly attend school and to make any necessary arrangements to ensure that they attend school. Local authorities have a statutory duty to provide free home to school travel assistance or transport for children and young people of compulsory school age (5-16) who meet the eligibility requirements set by the Department for Education. Support with travel to access education for children or young people who do not meet these criteria is a discretionary service decided locally by each council.
10. The consultation asked for views on three areas of existing discretionary provision that are in excess of the Council’s statutory responsibilities. These are:

- a) Travel and transport for children below the age of 5 (below compulsory school age)
 - b) Travel and transport for children turning 8 living between 2 and 3 miles from their nearest available school (statutory mileage distance change)
 - c) Travel and transport for young people over the age of 16 (over compulsory school age of 16)
11. For each proposal, consultees were asked to consider two options. The Council indicated its preferred choice at the time of publishing the consultation to provide transparency, however no decision had been made. Responses to the consultation and the equality impact assessment must be taken into consideration when a final decision is made by the Cabinet Member for All-Age Learning.
12. Taking into account the analysis of the responses to the public consultation (Annex A), the equality impact assessment and the mitigations of key concerns and impacts (Annex B), the recommended policy option is that Surrey County Council will cease to provide free home to school transport to an infant or primary school for a child under the age of five, where a child is likely to be deemed as eligible once they turn five years of age. The Council's proposed policy (Annex C) reflects this recommendation.
13. Taking into account the analysis of the responses to the public consultation (Annex A), the equality impact assessment and the mitigations of key concerns and impacts (Annex B), the recommended policy option is that Surrey County Council will cease to provide home to school transport at the end of the term in which a child turns 8 where the child has been eligible due to living more than 2 miles but less than 3 miles from their nearest school. The Council's proposed policy (Annex C) reflects this recommendation.
14. Taking into account the analysis of the responses to the public consultation (Annex A), the equality impact assessment and the mitigations of key concerns and impacts (Annex B), the recommended policy option is that, in line with statutory responsibilities, Surrey County Council will cease to provide home to school/college travel assistance for young people ages 17 -18, unless exceptional circumstances apply. The Council would continue to promote the use of the Student Fare Card Scheme, 16-17 Saver and Disabled Person's Bus Pass Scheme, which offer discounted travel on bus and rail services, to all post 16 year old students. The Council's proposed policy (Annex C) reflects this recommendation.

Implementation timetable:

15. Taking into account the analysis of the responses to the public consultation (Annex A), the equality impact assessment and the mitigations of key concerns and impacts (Annex B) and the relevant legislation, the recommended implementation timetable for these policy options is as follows:
- a) Travel and transport for children below the age of 5 (below compulsory school age) – for September 2020 (Academic year 2020/21)
 - b) Travel and transport for children turning 8 living between 2 and 3 miles from their nearest available school (statutory mileage distance change) – for September 2021 (Academic year 2021/22)

- c) Travel and transport for young people over age of 16 (over compulsory school age of 16) – for September 2020 (Academic year 2020/21)
16. Subject to Cabinet Member decision, the policy attached at Annex C would be published on 10 February 2020. This implementation timetable implements travel arrangements that are predictable for the family and child or young person and for which they can reasonably prepare. For a post 16 young person in receipt of travel assistance in academic year 2019/20 who is continuing a course in academic year 2020/21, the Council will promote and support independent travel options, taking into account the young person's needs and abilities.

CONSULTATION:

17. The table below sets out the extensive consultation and engagement that has taken place. Events have been publicised via the Council's website, the Council's public consultation page (Surrey Says), the Council's social media channels, the Local Offer, by schools directly to their parent and carer communities and by direct email to current service users.
18. The engagement sessions have been enhanced with a video explaining the consultation and hearing the voices of young people with SEND and their Headteacher explain the difference independent travel makes to young people's lives. The video is available at the following link:
<https://youtu.be/xLijELp4NIM>
19. Engagement with settings has been co-ordinated through Phase Council meetings during the Autumn 2019 term. A focus group specifically for special school Headteachers was held on 11 November 2019.
20. The Children's, Families, Lifelong Learning and Culture Select Committee was provided with a summary of the key feedback through the consultation at its meeting on 13 December 2019. The Committee discussed the proposals and a record of its discussions is available in the minutes of the meeting:
<https://mycouncil.surreycc.gov.uk/ieListDocuments.aspx?CId=791&MId=7198&Ver=4>

Date	Event Description
25 June 2019	Pre-Consultation Engagement with Young People (SYAS)
5 September	Pre-Consultation Engagement with Young People (SYAS)
18 September	Pre-Consultation Engagement with Young People (SYAS)
23 September	Consultation opened
1 October	Public Engagement Event - 11 am – 1pm (Surrey History Centre - Woking) 1 of 8
4 October	Special Phase Council - 8.15am– 3pm at The Hilton Hotel, Cobham
11 October	Public Engagement Event – 11 am – 1pm (Guildford Borough Council) 2 of 8
23 October	Public Engagement Event – 11am – 1pm (Molesey Youth & Community Centre) 3 of 8

6 November	Public Engagement Event – 11am – 1pm (Wray Park Road, Reigate) 4 of 8
7 November	SYAS Engagement Event - Woking 7th November 17:30-19:30
11 November	Special Phase Council Engagement Event (SEN Headteachers)
14 November	Public Engagement Event – 6pm – 8pm (Therfield School) 5 of 8
19 November	SYAS Engagement Event – Epsom, 17:30-19:30
19 November	Primary Phase Council - 8.30am – 1pm at Milestone House
22 November	Public Engagement Event – 6pm – 8pm (Guildford Borough Council) 6 of 8
25 November	Family Voice Surrey Annual Event and AGM – Dorking Halls
26 November	Secondary Phase Council - 2.15pm at Therfield School
27 November	Public Engagement Event – 6pm – 8pm (Carwenden House School) 7 of 8
2 December	Parent Transport Forum – 10.30 – 12.30pm at Quadrant Court, Woking
3 December	Public Engagement Event – 6pm – 8pm (Walton Leigh School) 8 of 8
13 December	Children, Families, Lifelong Learning and Culture (CFLC) Select Committee Meeting (Guildford Borough Council)
15 December	Consultation Closed

RISK MANAGEMENT AND IMPLICATIONS:

21. The Council's home to school/college travel and transport policy is a county-wide policy which will apply equally to all districts and boroughs and electoral division. The policy and the practice that results from it are intended to be consistent across all districts and borough and should enable greater consistency of practice and equity of provision of home to school travel assistance. It will encourage the use of more environmentally sustainable forms of transport, supporting young people to walk, cycle and use public transport such as local buses and trains.
22. The implementation timetable implements travel arrangements that are predictable for the family and child or young person and for which they can reasonably prepare.

Financial and value for money implications:

23. Surrey County Council currently provides significant discretionary home to school transport provision for children with SEND and some discretionary provision for mainstream children. As a consequence of this, the Council is a significant outlier in terms of spend on SEND travel assistance, which was confirmed by independent analysis and benchmarking. Looking at 2017/18 and comparing Surrey's spend on SEND transport per 0- 17 year old with that of Hertfordshire and Essex (counties of similar populations, demographics and geographies) Surrey spends 2.5 – 3 times more than these councils.
24. Expenditure on home to schools transport for children with SEND of £33.3 million per year is equivalent to approximately 5% of the yield from the Council Tax. To ensure the effective delivery of the Council's statutory responsibilities for home to school travel and transport for children and young people, changes

have to be considered to secure effective public spending and the efficient use of public resources.

Section 151 Officer commentary:

25. Although significant progress has been made over the last twelve months to improve the Council's financial position, the medium term financial outlook is uncertain as it is heavily dependent on decisions made by Central Government. With no clarity on these beyond 2020/21, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade. This places an onus on the Council to continue to consider issues of financial sustainability as a priority in order to ensure stable provision of services in the medium term. As such, the Section 151 Officer supports the review of the Transport policy and associated recommendations within this report.
26. There are no specific MTFs savings attached to Transport in the Council's 20/21 budget. However, during 2019/20 there is a forecast overspend of £3.1m across all home to school transport. The recommendations within this report are estimated to reduce costs by c£1.6m helping to mitigate the current overspend.

Legal implications – Monitoring Officer:

27. Parents have a primary responsibility for ensuring that their children attend school regularly and this includes the obligation to transport them. However, the Education Act 1996 (as amended) and associated statutory guidance set out the Council's duties and powers to provide assistance with home to school/college transport in relation to pre-school children, children of compulsory school age, post 16 (sixth form) students and adult learners up to the age of 25.
28. In summary:
 - There is no duty to provide free home to school travel assistance to pre-school children but the Council has a discretion to provide it.
 - Eligible children of compulsory school age (5-16) must be provided with free home to school transport assistance.
 - There is no duty to provide free home to school/college travel assistance to post 16 learners. The Council is required to publish an annual policy statement specifying the arrangements for the provision of transport that the Council considers necessary to facilitate the attendance of all persons of sixth form age receiving education or training. Any transport provided by the Council is discretionary and does not have to be free of charge.
 - In the case of adult learners (aged 19 and over) the Council is required to make such arrangements for the provision of assistance with transport as it considers necessary. If assistance with transport is considered necessary it must be provided free of charge

29. The Cabinet Member is being asked to approve changes to the Council's Home to School/College Travel and Transport Policy which mean that the Council will cease to provide travel assistance to cohorts of children and young people for whom there is a discretion to provide. The proposals were the subject of an extensive 12 week public consultation exercise and an analysis of the responses has been provided. The Cabinet Member must consider the outcomes of the consultation and conscientiously take them into account in reaching her decision.
30. The Council owes a fiduciary duty to its council tax payers which is analogous to that owed by trustees looking after property that belongs to others. Accordingly, in deciding how money should be spent, the Cabinet Member should take into account the interests of residents who have contributed to the Council's income and balance those interests against those who benefit from the expenditure.
31. The public sector equality duty applies to this decision. There is a need 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 paragraphs 32 onwards of this report and in the equality impact assessment which is provided with this report. The Cabinet member will see that negative impacts have been identified and when reaching her decision, she will need to take account of these and any mitigating actions.

Equalities and diversity:

32. Delivery of the outcomes sought through the design principles of the policy will promote independence and preparation for adulthood for children and young people, more efficient use of public resources and enable the Council to continue to deliver its statutory responsibilities for home to school transport.
33. The three policy changes regarding discretionary provision that were the subject of consultation affect the specific groups of children and young people set out in paragraph 10 of this report. The Council's Equality Impact Assessment (Annex B) identified both potential negative and positive impacts for these three groups. The main potential negative impact for each of the three groups is access to education. The main potential positive impact for these three groups is incentivising more children and young people to attend local provision. For all children and young people there is a further positive impact of promoting independence and preparation for adulthood.
34. The Council will mitigate the potential negative impact on these three specific groups of children and young people by communicating the changes widely to children and young people and their families through the Surrey Local Offer, through schools and directly to the parents and carers of the three specific groups of children and young people. This will enable them to prepare and make alternative travel arrangements where required.
35. Based on the Council's analysis of 2019/20 travel assistance for these three specific groups, the approximate number of children and young people likely to be affected for September 2020 are:

- 4 year olds – 150 children (affected for 1 – 3 terms)
- Post 16 – up to 450 young people

and for September 2021 are:

- 8 year olds – 60 children (affected for 1 – 2 terms)

36. For each group the Council can exercise its discretion to provide home to school transport where exceptional circumstances apply. The Council will assess the individual child's or young person's needs on a case by case basis.

Safeguarding responsibilities for vulnerable children and adults implications:

37. The Council will continue to ensure that, where it provides home to school transport for a child, it is safe.

Environmental sustainability implications:

38. The Council's policy will encourage the use of more environmentally sustainable forms of transport, supporting young people to walk, cycle and use public transport such as local buses and trains.

Public Health implications:

39. Walking and cycling are healthy travel options and promoting independence provides mental health benefits.

WHAT HAPPENS NEXT:

40. Subject to decision making, the Home to School/College Travel and Transport Policy will be published on 10 February 2020 and communicated widely to children and young people and their families through the Surrey Local Offer, through schools and settings and directly with families.
41. Subject to decision making, the policy will be implemented for academic year 2020/21 which begins in September 2020, with changes to discretionary provision made as set out in paragraph 15 above.

Contact Officer:

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Consulted:

Cabinet

Cabinet Member for All-Age Learning

Children, Families, Lifelong Learning and Culture Select Committee

ELLC Staff

Families of children and young people with SEND

Families of children and young people without SEND

Young people, with SEND and without

Family Voice Surrey

Healthwatch Surrey

Phase Council Headteachers – special, primary, secondary

Other school professionals

Residents

Annexes:

Annex A: Home to School/College Travel and Transport Policy Consultation Survey Analysis

Annex B: Equality Impact Assessment

Annex C: Home to School/College Travel and Transport Policy

Sources/background papers:

Cabinet Report 16th July 2019 – Special Educational Needs and Disability (SEND) Travel Assistance

Consultation Information & Papers – <https://www.surreysays.co.uk/csf/home-to-school-college-travel-and-transport-policy/>

Consultation Introductory Video – <https://youtu.be/xLijELp4NIM>

Relevant Home to School/College Travel & Transport Legislation:

Education Act 1996 section 508A (duty to promote sustainable modes of travel)

Education Act 1996 section 508B (travel arrangements for eligible children)

Education Act 1996 section 508C (travel arrangements for other children)

Education Act 1996 section 508E and Schedule 35C (school travel schemes)

Education Act 1996 section 508F (local authorities in England: provision of transport for adult learners)

Education Act 1996 section 508G (local authorities in England: transport policy statements for young adults subject to learning difficulty assessment)

Education Act 1996 section 509AA (transport etc for persons of sixth form age)

Regulation 5 and Part 2 of Schedule 2 to The School Information (England)

Regulations 2002 (as amended)

Department for Education - Home to School Travel and Transport Statutory Guidance - <https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>

Department for Education - Transport to education and training for people aged 16 and over - <https://www.gov.uk/government/publications/post-16-transport-to-education-and-training>

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