

CABINET MEMBER FOR ALL-AGE LEARNING DECISIONS
31 January 2020

PROCEDURAL MATTERS – PUBLIC QUESTIONS

Background information on public consultation

Surrey County Council undertook a twelve week public consultation in Autumn 2019 on home to school/college travel and transport as we wanted to hear from parents and carers, children and young people, school professionals and our residents on how we could improve outcomes through our policy. We acknowledged that our current arrangements did not prepare children and young people well for adulthood and were costly compared to similar areas. We wanted to ensure that the Council continued to deliver its important statutory responsibilities for home to school transport for those children and young people eligible for it, both those with special educational needs and disabilities and those without.

We appreciate the contribution of Family Voice Surrey to this consultation. Their representatives attended our public consultation events, provided expert witness evidence at the Children, Families, Learning and Culture Select Committee meeting, submitted written evidence and asked the questions set out below to the Cabinet Member for All-Age Learning. Family Voice also included a roundtable discussion on home to school transport at their Annual General Meeting in December.

1. Question submitted by Andrea Collings, Family Voice Surrey

Family Voice Surrey (FVS) welcomes the Council's acknowledgement of our feedback on behalf of Special Educational Needs and Disabilities (SEND) families that the proposed reduction to current discretionary travel support for under 5s and over 16s with Special Educational Needs and Disabilities risks undermining their key strategy of using early intervention to prevent needs and costs escalating. However, we feel that the suggested mitigation that the Council may continue to provide support in exceptional circumstances needs further clarification. We are also concerned that a process where support is only available on appeal places the onus on families to be able to articulate their concerns effectively to decision makers and to have the confidence to make an appeal. Please will the Council explain:

- how they will ensure that young people and families have a clear understanding of what counts as exceptional circumstances
- what support will be provided to ensure that more vulnerable groups are able to articulate their concerns and participate in the appeal process on an equal footing
- whether, in the interests of transparency and fairness, it will publish the rationale for its decisions on granting or refusing discretionary support with travel to the education setting and will seek independent oversight of the decisions taken?

Reply:

It is important that the Council is able to consider circumstances on a case by case basis and to exercise its discretion. Surrey County Council's current policy and proposed Home to School/College Travel and Transport Policy enable the Council to consider and agree requests for home to school transport where there are considered to be extenuating circumstances that prevent a child accessing their school unless travel assistance is put in place. As our overriding expectation is that parents should undertake their legal

responsibility to get their children to and from school, the Council will need to be satisfied that the parent has demonstrated why they cannot do this.

The Council encourages parents to provide independent supporting evidence such as from a GP or medical consultant, a social worker, the police or other local authority officers to support their case. The Council also encourages parents to seek support from the professionals who work with them such as SENCos and teachers, social workers and GPs.

In all cases, the decision to exercise discretion will be done on a case by case basis. The policy sets out what circumstances will not normally be taken into account such as parental work commitments or other siblings in the family. It also provides some examples where a child's needs will be taken into consideration.

The Council's proposed policy sets out the process by which a parent can request special consideration of their circumstances. Once a decision is reached, the Council will write to the parent setting out the decision reached, how the review was conducted, what factors were considered, the rationale for the decision reached and how to escalate further if appropriate. In line with recommended practice by the Department for Education, the Council's appeals process is in two stages and is published in the proposed policy. Stage 2 is considered by a panel of three Surrey County Members, independent of the original decision-making process and with no prior involvement with the case.

2. Question submitted by Andrea Collings, Family Voice Surrey

The consultation report highlights the main policy changes as the reduction in the support offer for under 5s and over 16s and introducing the higher distance threshold for 8-year olds at the start of the term after they turn 8 rather than at the end of the school year. However, there are several other significant changes to the policy which are not considered in as great detail in either the report or in the Equality Impact Assessment:

- the introduction of pick-up/drop-off points with little information on how risks for individual students will be evaluated or what say families will have in making that judgement;
- the reference to suitable journey times rather than the maximum journey times for home/school journeys specified in statutory guidance;
- the reference to parents' ability to transport their adult children to their place of education, when the relevant duties for transport of eligible students in this age group lie with the Local Authority not with parents;
- and unclear expectations about the use of wider benefits and grants related to disability or low income to cover school or college travel costs.

Each of these additional proposed policy changes has been trialled previously by other Local Authorities and each has been successfully challenged and overturned on appeal to the Local Government Ombudsman. As each of these policy variations is likely to be considered on appeal as incompatible with legal guidance, will the Council agree to revise the wording appropriately in consultation with the Parent Carer Forum?

Reply:

The Council has not proposed any changes to its policy regarding the use of collection points, maximum journey times, Post-19 transport or disability grants.

The consultation asked four specific questions related to the use of collection points: their benefit, distance to a collection point, location of collection points and barriers to accessing a collection point. These responses provide useful feedback for the Council regarding the operation of collection points to make these work well.

The Council's proposed policy has been subject to rigorous legal review to ensure that it enables the Council to continue to meet its statutory responsibilities for home to school travel and transport. The Council's Monitoring Officer noted that the Cabinet Member is being asked to approve changes in the Council's policy that relate to three cohorts of children and young people for whom there is a discretion to provide. These proposals were the subject of an extensive 12 week public consultation.

3. Question submitted by Andrea Collings, Family Voice Surrey

We note that officers did not choose to review the current "as the crow flies" method of measuring qualifying distances for travel allowance on the basis that greater take-up of the allowance would not lead to sufficient savings; however, Family Voice Surrey's request for a review of this method was based primarily on its inherent inaccuracy and potential unfairness. We don't know of any student in Surrey who travels to school by helicopter, hot-air balloon, Quidditch broomstick or other method compatible with the Ordnance Survey straight line measurement used to decide a particular level of travel allowance payment, whereas Google maps offers free and accurate evidence of the shortest driving or walking route between any two addresses in Surrey as well as an estimate of the usual journey time. In the FVS evidence report submitted as part of the consultation, we recommended two alternative means of achieving cost savings which could be achieved without any negative impact on children and young people with SEND and their parent carers and which we would ask the council to consider now:

- Firstly, improving the efficiency of the way that applications are currently managed – in the current system there are no prompts or reminders issued to parents whose children would in principle be eligible for home to school travel assistance. It is not clear whether this is an oversight or a conscious decision to delay or reduce take up of entitlement. It is also unclear whether it is effective as a deterrent. What is clear is that the current set up leads to a bottleneck situation each summer with an overstretched transport team dealing with a flood of applications in a relatively short period and having to make arrangements with taxi and minibus providers at very short notice. This frequently leads to confusion and delay at the beginning of the School year causing unnecessary additional stress for children with SEND who may already be struggling with the transition of returning to school or starting a new placement. Crucially it also means that the Council are on the back foot when negotiating new contracts with providers. There will frequently be little or no opportunity to seek competitive bids when provision has to be arranged at short notice. This practice represents a poor use of public funds and is at odds with the more responsible procurement practice which FVS has witnessed in other areas of Council commissioning.
- FVS strongly recommends that the Council investigate the viability of making greater use of Voluntary and Community Sector transport providers rather than relying almost entirely on private providers. The use of providers who operate on a not-for-profit basis should lead to significant savings without jeopardising the quality of service provided to children and young people.

Are Council officers able to demonstrate that they have shown due diligence in considering these or other methods of achieving savings, weighing up the scale of potential savings alongside any potential positive or negative impact for children and families? If not, will the Council now agree to review these other options and share their findings before allowing the currently proposed policy changes to be implemented?

Reply:

The Council appreciates the feedback and ideas of Family Voice about what might make for an operationally more efficient and effective home to school transport service, including the application process and the commissioning of contract providers. We welcome feedback from service users and consider this as we continually improve the processes and service provided by our internal teams and transport operators.

Parents and carers are provided with information and guidance on how to apply for home to school travel assistance on the Council's website and Surrey's Local Offer. Our current policy and proposed policy provide extensive information on the application process and eligibility.

<https://www.surreycc.gov.uk/schools-and-learning/schools/transport>

Once a parent receives an offer of a school place, we encourage them to consider whether their child may be eligible for assistance with travel to school and to apply promptly. We ask schools to remind their new parents as well. We would welcome Family Voice's support to communicate with families that they should apply as soon as they believe their child may be eligible. It can take some time to arrange transport and this is likely to be delayed if applications are received in the Summer before the new academic year.

The Department for Transport is currently reviewing local authority transport arrangements and we will be considering different contracting arrangements in light of the outcome of that review. In Surrey, some of the larger Community and Voluntary Transport providers are already providing home to school transport as part of our commissioning arrangements. When we commission transport, we take into account not only cost but also the consistency of the day to day transport provision that the voluntary sector can provide. We also take into account the capacity and resilience of community and voluntary transport providers to deliver extensive home to school transport services in Surrey.

The Council's Home to School/College Travel and Transport Policy Statement is clear that Surrey County Council is committed to ensuring that all pupils have a great start to life, are safe and healthy and have access to high quality education so that they are able to achieve their full potential. The policy sets out how we will help the small number of pupils who find it difficult to travel to school or college without some assistance. This assistance includes support to travel more independently, a critical preparation for adulthood.

Julie Iles
Cabinet Member for All-Age Learning
29 January 2020