
REPORT FOR: CABINET

Date of Meeting:	15 September 2015
Subject:	Travel Assistance Policy for Children and Young People (0-25 years) Living in Harrow
Key Decision:	Yes
Responsible Officer:	Chris Spencer, Corporate Director of People
Portfolio Holder:	Councillor Christine Robson, Portfolio Holder for Children, Schools and Young People
Exempt:	No
Decision subject to Call-in:	Yes
Wards affected:	All
Enclosures:	Appendix 1 – Equality Impact Assessment Appendix 2 – Travel Assistance Policy for Children and Young People (0-25 years) Living in Harrow Appendix 3 – Analysis of the Consultation Responses

Section 1 – Summary and Recommendations

This report provides the outcomes of the consultation about the Council's statutory duties to provide travel assistance to eligible children and young people and presents for approval the Travel Assistance Policy for Children and Young People (0-25 Years) Living in Harrow.

Recommendations:

Cabinet is requested to:

1. Approve the Travel Assistance Policy for Children and Young People (0-25 Years) Living in Harrow.

The reasons for this recommendation:

To enable the Local Authority to fulfil its statutory duty to provide travel assistance to eligible young people.

To provide alternative options for children and young people to travel to and from school if parents agree to it.

To contribute to the People's Services MTFs Implementation Plan approved by Cabinet in February 2016 and the objectives in paragraph 14 of the report.

Section 2 – Report

Introduction

1. The People Services MTFs Implementation Plan was presented to Cabinet in February 2016. The implementation plan set out the approach to achieve the delivery of efficient and sustainable services to the communities of Harrow within the budget available.
2. Cabinet agreed that further work should take place to review delivery of special needs transport and delegate authority to the Corporate Director, People Services, following consultation with the Portfolio Holder for Children, Schools and Young People, to carry out an options appraisal and consultation on proposals.
3. The MTFs includes a £514,000 saving divided equally across the two financial years 2016-17 and 2017-18 in connection with the provision of special transport arrangements for children and young people with special educational needs. It is anticipated a proportion of the saving will accrue from a reduction in the running costs of the service as a result of the shared service arrangement. In addition, alternative ways of delivering the Council's statutory duty through the application of this policy will be implemented where possible.
4. This report presents the outcome of the options appraisal and the consultation in relation to the proposed Travel Assistance Policy. Although it is relevant to all children and young people, it is particularly relevant to those with special educational needs, disability and/or mobility difficulties. Approval of the Travel Assistance Policy will help the Council meet its vision and corporate priorities by ensuring appropriate travel assistance is available to enable vulnerable young people to access education and to promote independence of vulnerable young people through utilising appropriate modes of travel.

Options considered

5. The statutory legal framework, including national guidance has been considered in formulating this policy.

Relevant Directors of Children's services commissioned the West London Alliance (WLA) to set up working groups to look at best practice and learning points across the WLA. Learning from this group has been included in the policy.

6. Doing nothing is not considered to be a realistic option. The current policy has not been reviewed for many years and, although the statutory requirement has changed little in that period, there are issues that need to be addressed:
 - the growing expectation that transport will be provided automatically and without the need to apply for the service;
 - there is a significant overspend that needs to be managed;
 - there is increased demand arising from reform in the law for the education of children and young adults up to the age of 25 with Special Educational Needs.
7. The review of the policy is intended to achieve the following objectives:
 - compliance with the MTFIS Implementation plan 2016;
 - ensure there is clear guidance for families, with realistic, cost effective alternative options available;
 - ensure that discretionary arrangements are only agreed in exceptional circumstances in accordance with statutory requirements;
 - promote the principle that young people need to develop independence as they move into adulthood to maintain the quality of their lives, rather than rely on Council services;
 - provide families with a clear and robust appeals process.

Background

8. The Children and Families Act 2014, includes radical changes to the Special Educational Needs (SEN) framework. A new SEN Code of Practice for 0-25 years was put in place in September 2014 with a 4 year implementation plan. It makes reference to transport arrangements which increases the requirement for transport for those eligible up to the age of 25 with an Education, Health and Care plan (EHCP).
9. The Education Act 1996 sets out the specific duties Councils have in relation to the duty to provide home to school travel arrangements for children of compulsory school age, sixth form students and young people up to 25 years for those with SEN and/or disability.

Consultation

10. The consultation was held from Thursday 23rd June 2016 for 4 weeks, closing on Thursday 21st July 2016. At the request of attendees at the consultation meeting, special school heads were contacted again to request they urgently resend the consultation information to parents, which they agreed to do.
11. The consultation was wide ranging, papers were sent to all Harrow

schools, chairs of governing bodies, colleges and out borough special schools with Harrow children, requesting they use their normal channels of communication to contact parents.

12. Harrow's Local Offer was updated on the Council's website to include information on the consultation process, in addition the Council's website posted the information on the 'Take Part' facility with the opportunity for electronic response to be made to the consultation.
13. Other stakeholders provided with the information included: SENDIAS, Harrow Parent forum (HP4DC) Harrow parent support group (Walking together), health/children's centres, Hillview Nursery, Chattertots, Family Information service, Mencap, Harrow Association of Disabled People, Harrow Carers, paediatric services, local MPs, Elected Members and Trade Unions.
Separate, open consultation meetings for parents were held at the Civic Centre on 4th and 7th July. Parent Forum invited parents of children with SEN/disability to a session with officers on 12th July and Shaftesbury High school arranged a parent meeting with officers on 19th July.

Outcomes of the consultation

14. 32 responses were received to the consultation. A further 6 emails with comments were received, relating to the consultation, but not as a formal response
 - 15 of the respondents agreed with the policy, 11 did not agree and 6 were not sure.
 - 14 respondents thought that the Council should expand its Independent Travel Training provision, 7 did not agree 10 were not sure.
 - 18 respondents thought the policy would have an impact on their child (negative)
 - 11 Respondents agreed with the travel options suggested whilst 13 were not sure

Appendix 3 provides the detailed responses and comments from the consultation.

Officer response to consultation comments

15. The main themes emerging from the consultation were:
 - concerns that parents had not received the information in a timely way
 - worry that the introduction of more Independent Travel Training would force some vulnerable children off transport and put their safety at risk
 - The need to ensure decisions are made according to individual needs
 - Concerns about the proposal to have an annual application process

Officer responses and a themed presentation of issues is set out in Appendix 3

Performance Issues

16. Special Needs Transport reviews 1, 2 and 3 have been subject to Cabinet reports up to and including September 2013. The transport MTFs is inextricably linked to both the performance and efficiency of the Transport service including the framework contract and the eligibility and threshold levels of the users. The Travel Assistance policy aims to reduce the demand on vehicle transport provided by the Council by reviewing eligibility and offering alternative options for travel to and from education settings, which will also promote independence. In October 2015 the SEN Transport delivery function moved from People's Directorate to the Community Directorate.

Environmental Implications

17. The Council is required to promote the use of sustainable modes of travel that improve the physical well being of those who use them and the environmental well being of the area.
18. Transport accounts for around 22% of all carbon emissions in London. Harrow's Sustainable Transport Strategy 2013 outlines the borough's commitment to the promotion of sustainable modes of transport. Increasing levels of walking, cycling and use of public transport is critical in order to support the growing population and environmental challenges in London.
Harrow is committed to promoting sustainable and active modes of travel to support health, economy and sustainability of the borough. A range of free services are available to schools in Harrow to support children in making active, sustainable and independent journeys to school. In addition to Independent Travel Training, schools receive cycle and pedestrian training and support in developing travel plans to manage travel.
Travel Plans aim to reduce congestion by reducing car use and encouraging walking, cycling and use of public transport. Travel Plan activities include promotions such as Walk on Wednesday (WOW); competitions; participation in national awareness campaigns including Walk to School Month and Bike Week; road safety talks and campaigns and use of Active Travel Maps. Encouraging children to walk or cycle to school has been shown to improve children's physical and mental health, as well as their attainment at school.

Risk Management Implications

19. Risk included on Directorate risk register? Yes
Separate risk register in place? Yes

The Key risks include:

- Financial. The financial risks to the Council if service exceeds the budgetary provision.
- Demographic pressure. There will be pressure on service provision if the significant rise in Harrow's pupil population is reflected in the demand for those with SEN and/or a disability requiring specialist provision.

- Extended responsibilities. The 2014 SEN legislation has extended the Council's responsibility for young people with SEN to the age of 25 with associated pressure on service provision.

Legal Implications

20. The Travel Assistance Policy will enable the Local Authority to comply with its statutory responsibilities as set out in the Education Act 1996. Under this Act, the Council has specific duties and powers as set out below:

20.1 a duty to assess school travel needs and promote sustainable modes of travel in relation to children and young people of 6th form age (s.508A);

20.2 a duty to provide home to school travel arrangements as considered necessary for eligible children of compulsory school age, such arrangements to be provided free of charge (s.508B). Eligible children is defined in legislation and further details are provided within this policy;

20.3 a power to make school travel arrangements for children who are not eligible under s.508B. This power can be applied to children below compulsory school age, children attending faith schools or those living within the statutory walking distance. The Council may make a charge for provision of travel arrangements under this power (s.508C);

20.4 a duty to make travel arrangements as considered necessary to facilitate the attendance of adult learners to educational institutions, including young adults with an Education, Health and Care plan (EHC plan) (s.508F). Such arrangements must be provided free of charge;

20.5 a duty to prepare a transport policy statement specifying travel arrangements provided in accordance with s.508F (s.508G);

20.6 a duty to prepare a transport policy statement specifying travel arrangements provided to persons of sixth form age (s.509AA);

21. In setting its policy, the Council is required to take account of the statutory guidance, '*Home to school travel and transport guidance – July 2014.*' The guidance highlights the following considerations:

- parents should normally be expected to accompany their child to school. However, the local authority should promote and ensure equality of opportunity in particular for parents with a disability, which may require alternative arrangements to be made;
- suitability of arrangements should be considered and multiple changes on public transport avoided. Journey times should be reasonable and best practice suggests a maximum journey each way of 45 minutes for primary and 75 minutes for secondary age children. Travel arrangements for a child or young person with a

disability may be more complex and therefore require a longer journey time.

- It is a matter for individual local authorities to determine how to apply their discretionary powers, taking account of local need and circumstances and following engagement with parents.
 - When making changes to policy, a local authority should consult widely for at least 28 days in term time.
 - The guidance recommends an appeals process to ensure consistency across local authority areas.
22. Separate guidance on Post 16 transport is contained in '*Post-16 transport to education and training – February 2014.*' In addition, the SEN Code of Practice contains guidance in relation to provision of transport for children and young people with special educational needs or a disability. These guidance documents have been taken into account when formulating this policy.
23. When making a decision to change or set policy, the Council must take account of all relevant information, including the statutory framework, guidance, financial implications, equality implications and consultation responses. When considering consultation responses, it is important to consider individual views, however it is not simply a matter of considering the number of views for and against the proposal. When making changes to policy, the views of the majority of respondents may support the status quo, however the Council can still decide that for proper policy reasons, and having considered the views of consultees and other relevant information, it is necessary to make amendments to the policy.

Financial Implications

24. The 2016-17 revenue budget for SEN Transport is £3.04m. This includes a reduction of £257k of a total saving of £514k. The remainder of the saving of £257k will be deducted from the budget in 2017-18 making the total budget available £2.78m at the end of the current MTFS period.
25. There are significant pressures on the current budget in 2016-17 of £1.1m reported in the Cabinet report *Revenue and Capital Monitoring 2016/17 - Quarter 1 as at 30 June 2016*
26. There has been an increase in demand, particularly for transport from home to colleges as the SEND reforms that extends special educational provision to age 25 years has led to an increased number of young adults with complex needs continuing in education.
28. Any savings resulting from the application of this policy will be factored into future forecasts as and when they materialise. There is the potential to make financial savings but it is not possible to predict the exact amount as the population and complexities of those accessing Travel Assistance changes and will impact on this.

Equalities implications / Public Sector Equality Duty

- 29 Section 149 of the Equality Act 2010 requires that public bodies, in exercising their functions, have due regard to the need to (1) eliminate discrimination, harassment, victimisation and other unlawful conduct under the Act, (2) advance equality of opportunity and (3) foster good relations between persons who share a protected characteristic and persons who do not share it.
- 30 An Equality Impact Assessment has been carried out on the Travel Assistance policy and it is attached as Appendix 1. The Eqia identified that children and young people aged 0-25 and parents of this age children are impacted by this policy. The policy also impacts on children and young people with a disability and boys (who are more likely to have special educational needs) more than other protected groups. The assessment identifies that the policy could have a positive impact for children and young people with a disability, in that it places more emphasis on promoting independence and independent travel training. However, as travel assistance may be delivered in different ways and in some cases, particularly for children under school age, the Council will only exercise its discretionary power to provide travel in exceptional circumstances, there is potential for a negative impact. The mitigating measure is to engage with parents early and to put additional resource into the independent travel training.

Council Priorities

- 31 The Council's vision is: **Working Together to Make a Difference for Harrow**

The Council Priorities are as follows:

- Making a difference for the vulnerable
- Making a difference for communities
- Making a difference for local businesses
- Making a difference for families

The Council Strategic Themes are to:

- Build a Better Harrow.
- Be More Business-like and Business Friendly.
- Protect the Most Vulnerable and Support Families.

The recommendation supports these priorities and strategic themes by:

- ensuring appropriate travel assistance is available to enable vulnerable young people to access education.
- promoting independence of vulnerable young people through utilising appropriate modes of travel.
- improving inclusion and integration of people with disabilities in their community.
- widening the potential local workforce.
- enabling families to ensure children with special educational needs have the assistance required to access education.
- reducing the long term dependency needs of the child.

- providing respite and the opportunity to access education/employment for parents/carers.

Section 3 - Statutory Officer Clearance

Name: Jo Frost	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 5 August 2016		
Name: Sarah Wilson	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 8 August 2016		

Ward Councillors notified:	NO, as it impacts on all Wards
EqIA carried out:	YES
EqIA cleared by: Johanna Morgan	Chair of the People Services Directorate Equality Task Group

Section 4 - Contact Details and Background Papers

Contact: Patrick O'Dwyer, Divisional Director Education Services
020 8736 6514 patrick.odwyer@harrow.gov.uk

Background Papers: None.

Call-In Waived by the Chair of Overview and Scrutiny Committee	NOT APPLICABLE <i>[Call-in applies]</i>
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