

North Yorkshire County Council

Executive

19 December 2017

Home to School Transport – Proposed policy changes

Report of the Corporate Director – Children and Young People’s Services

1.0 Purpose of report

- 1.1 This paper provides an overview of proposed changes proposed for formal consultation in relation to the Home to School Transport policy to ensure it remains fit for purpose and provides a sustainable framework for transport into the future. The policy must be compliant with legislation and provide value for money and in the longer term the policy should be aligned with transport provision from Health and Adult Services. The policy and transport provision must align with budgetary allocation going forward to ensure the Council can still provide transport or assistance to those who require this the most.

Executive Summary

2.0 Issues

A detailed analysis of SEND home to school transport has revealed that there has been an overall increase in pupil numbers on SEN Home to School Transport of 22% from March 2015 to March 2017 together with a 14% increase in the numbers of miles travelled.

This has also resulted in an increase in the demand for transport provision across all age ranges but in particular a 66% increase in the number of Post-18 pupils who are using the service and a 36% increase in primary aged children following the introduction of the Children and Families Act 2014. A full financial analysis is available in a separate report.

The rise in costs of £11.8k from March 2015 to March 2017 is attributable to an increase in mileage of 14%, and an increase in pupil numbers of 22%. The latter is broadly in line with the overall increase in total pupil population with statements and Education Health and Care Plan (EHCP) during the same time period.

The current forecasted spend in relation to SEND Home to School Transport is estimated as £8.0m in 2017 which represents an approximate overspend of £3.0m on existing budgetary allocation.

Based on current trends in SEND continuing and the annual year on year growth estimated at 18% per annum, it is estimated that by 2020 the forecasted spend will be £13.2m. This will continue to increase to £18.4m by 2022, and reach £30m by 2025.

3.0 Policy Implications

The results of the public consultation will inform the content of a new Home to School Transport Policy.

4.0 Options

Proposal 1: Removal of the FREE Transport statement for SEND Post-16 to 18 students with an EHCP from September 2018, to bring it in line with mainstream transport arrangements.

Description:

- Currently NYCC require a contribution from families for post 16 mainstream transport at a cost of £490 per annum. The average cost of providing transport per **mainstream** Post-16 student is £860 and therefore the local authority subsidises transport by approximately 43% on average.
- The contribution cost from parents/carers has been subject to annual review and this has resulted in one price increase of £10 in the last 5 years.
- In order to ensure that lower income families are not penalised there is a 50% charging reduction in place.
- The local authority has not implemented a charging policy for post 16 students with SEND and this is currently provided free of charge.
- The average cost of transport for a Post 16 **SEND** student is £8.1k, so the contribution from parents/carers would be around 6%, if the £490 contribution fee was applied. Therefore the Local Authority is still subsidising over 94% of the transport costs.
- The local authority is unable to apply a means testing approach on benefits relating to children, young people aged 16-17 are still classed as children by the Department of Work and Pensions.
- The Local Authority will honour current arrangements for existing students to complete their current programme of study.
- The contribution rate will be subject to annual review and will be subject to price increase to reflect inflation.
- The Government provide a bursary fund to 16-19 year olds which provides a grant for eligible young people to receive up to £1200 towards their education and this may be used to support transport costs. Young people over 19 years of age with an EHCP may also apply for a discretionary bursary which again may be used towards transport.

Savings:

This option would generate £57k of revenue by 2021 to offset the cost of SEND transport provision for Post 16 to 18 students if 100% of families paid the contribution. This includes an estimate of 35% of families who would pay the contribution at the low-income rate*.

However the introduction of a charging policy may lead to a proportion of parents arranging their own transport rather than paying the new contribution. The potential saving may therefore be much greater than £57k. For example, if 50% of parents currently in receipt of transport make their own arrangements and do not pay the contribution then we can expect a saving of £599k on the SEND budget by 2021

*The number of SEND low income families has been estimated using the economic deprivation scores based on home postcodes.

Benefits:

- This option would start to generate income throughout the financial year of 2018-19 in order to offset some of the budget deficit.
- This option would remove any discrepancies in charging rules between SEND and Mainstream students.

Risks

- Risks are minimal as young people will be provided with transport subject to the minimum charge. A reduced rate is in place to support families with lower incomes.

Proposal 2: Recognise SEND Post-19 students as adults in education, and identify unmet transport need in line with Health and Adult Services social care assessment.

Description:

- The current Home to School Transport Policy states that Post 19 requests should be directed to Health and Adult services, who have the authority to complete a comprehensive assessment, under the Social Care Act to identify the level of support and unmet need required from the local authority.
- The Adult Social Care assessment which assesses all social care needs once a person turns 18, considers existing provision available to the adult such as a mobility vehicle and it also includes a financial assessment and hence the financial ability of the adult to contribute towards the cost of their services including transport. Services could include travel assistance should the adult have no other means of transport to access services.
- It is therefore proposed to assess post 19 students as adults in education under the adult social care assessment process and, if no other means of transport to education is available, grant exceptional transport services for such students in line with the HAS Policy.
- The Local Authority will honour current arrangements for existing students to complete their current programme of study.
- Implementation of this proposal for new students would commence from September 2018.

Benefits:

- This option would have a positive impact on the budget in terms of the savings created.
- It will align and ensure consistency of transport policy for adults with Learning Disabilities across the local authority.

- It will continue to ensure that young adults without means to provide transport receive support from the local authority

Savings:

- Post 19 transport is currently costing £920k and increased by 41% last year. This is the largest growth area since the SEND reforms from September 2014. If current trends continue it is anticipated that by 2020 this group will double in size and in expenditure.
- If 10% of current adults in education are assessed as having other means of transport available, this would generate a saving of approximately £90k; if we assume 50% of alternative provision for transport, the reduction in overspend would be £460k.

Risks:

- There will be an impact on Health and Adult Services. This option may cause an increase in requests for support from adult social care and needs to be further investigated, as part of the social care review. The policy's and assessment processes will be aligned to ensure provision is consistent.
- Potential damage to the Council's reputation.

Proposal 3: Increase Parental Transport Allowance to 45p per mile when no other transport option is available and promote a Parental Transport Allowance to SEND sole-occupancy provision with a realistic enhancement to meet the young person(s) transport needs.

Description

- This would provide greater flexibility for parents/carers to make their own transport arrangements and may provide a cost effective option for the local authority
- Currently we pay 30p per mile for 4 journeys per day (to the school with the child and back home – to the school to collect the child and back home). Uptake of this option has historically been very limited.
- Currently transport for single passenger journeys for statutory aged pupils with SEND cost £2.2m per annum. Sole occupancy could be due to a variety of reasons, such as an amended timetable, SEND needs or the journey has no other student with the resident vicinity. The average cost of a sole passenger transport is in the region of £20k per annum

Proposal

- 1) Increase the current personal allowance to families to the current HMRC (Her Majesty's Revenue and Customs) business rate of £0.45 per mile for the first 10,000 miles, following this it is £0.25 per mile. This should make the Parental transport allowance more viable for families to meet transport need. This would only be offered where there was availability no other transport provision was in place, and reviewed on a yearly basis. This option can be implemented for all new requests from September 2018 with a timescale for

reviewing existing transport provision over the next two years to align this to the updated policy.

- 2) Introduce an enhancement to parents whose children have been assessed as part of their EHCP as requiring additional support for transport by applying a scaled allowance tool, as shown below: We have based our illustration on an assumption of a home to school distance of 25 miles:

Provision assessed as requirement	Proposed	Average Cost for an LA commissioned taxi	Parental transport allowance equivalent
Taxi	HMRC guidance	£100 per day £19,500 per annum	£6,750
Taxi + 1 passenger assistant	HMRC Guidance + enhancement of 15p per mile - £0.60 for first 10,000 miles and £0.40 after	£125 per day £24,375 per annum	£9,600
Taxi + 1 medical passenger assistant	HMRC Guidance + enhancement of 30p per mile - £0.75 for first 10,000 miles and £0.55 after	£156 per day or £30,420 per annum	£12,450
Taxi + 2 passenger assistant	HMRC Guidance + enhancement of 45p per mile - £0.90 for first 10,000 miles and £0.70 after.	£200 per day or £39,000 per annum	£15,300

Savings:

- The potential saving will be on a case by case basis, and savings will only be achieved following a review of transport provision for existing students
- However as a guide if only 10% of parents accept this offer this will be around £223k per annum reduction in solo taxi provision with an outlay of approx. £80k per annum in allowance, each 10% should generate approximately £150k per annum in savings.
- Forecasting a 50% take up of parental allowances is achieved the reduction in the overspend would be in the region of £750k.
- This can be implemented from September 2018 for new transport requests, and through a programme of work for existing sole passengers.

Benefits:

- The promotion of Personal Allowances allows a more family centred approach, reducing stress and daily changes in requirements, empowering families to control of their travel provision. It may also provide sufficient funding for families to acquire their own vehicle if they currently do not own a car, thereby extending their ability to travel on an ongoing basis
- The proposal would be cost effective for the Local Authority and would make further savings in terms of administration and procurement.

- This option may also benefit Mainstream provision as this option is currently not offered. and may be a suitable alternative for solo travellers

Risks:

- Transport arrangements made by parents/carers must be safe, the LA would need to issue guidance if families use money to make own arrangements.
- This option would need to be reviewed and allocated on a case by case basis which would be officer and time consuming therefore impacting on the savings to the LA.

5.0 Financial Implications

Proposal	Description	Potential savings
1	Removal of the FREE Transport statement for SEND Post-16 to 18 students with an EHCP from September 2018, to bring it in line with mainstream transport arrangements	Assumption of 50% of parents no longer requiring transport from the LA would generate £599k.
2	Recognise SEND Post-19 students as adults in education, and identify unmet transport need in line with Health and Adult Services social care assessment.	£460k if 50% of assessed students have other transport options within their means.
3	Promote Parental Transport Allowance to SEND sole-occupancy provision with a realistic enhancement to reflect the young person transport need (for those eligible for transport assistance under statutory duty)	£750k for a 50% uptake.

6.0 Legal Implications

All above proposals which have been developed enable the Local Authority to meet its statutory duties to provide travel assistance for eligible children and young people.

Statutory Responsibility:

Local Authorities have a responsibility under Section 508B of the Education Act 2014 to make such travel arrangements as they consider necessary to facilitate attendance at school for 'eligible' children.

Schedule 35B of the Education Act defines eligible children as those categories of children of compulsory school age (5-16) in an authority's area for whom free travel arrangements will be required. These are:

- Statutory walking distances eligibility:
To provide free transport for all pupils of compulsory school age (5-16) if their nearest suitable school is:
 - Beyond 2 miles (if below the age of 8 years); or
 - Beyond 3 miles (if aged between 8 years and 16 years)

- Special educational needs, a disability or mobility problems eligibility:
To make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability. Eligibility, for such children should be assessed on an individual basis to identify their particular transport requirements.

- Unsafe route eligibility:
To make transport arrangements for all children who cannot reasonably be expected to walk to nearest suitable school because the nature of the route is deemed unsafe to walk.

- Extended rights eligibility:
To provide free transport where pupils are entitled to free school meals or their parents are in receipt of maximum Working Tax Credit if:
 - :The nearest suitable school is beyond 2 miles (for children over the age of 8 and under 11 years of age);
 - The school is between 2 and 6 miles (if aged 11-16 and there are not three or more suitable nearer schools);
 - The school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (aged 11-16)

For Students over the statutory school age (end of Year 11.):

Transport requirements are covered by the Post 16 Statutory Guidance 2017, which advises that local authorities do not have to provide free or subsidised transport, when making their assessment of what is required. However local authorities must act reasonably, taking into account all relevant matters, such as the needs of their population, the local transport infrastructure and the resources available.

Adults (aged 18 years or over) the Social Care Act 2014 states:

'Local authorities should consider the adult's ability to get around in the community safely and consider their ability to use such facilities as public transport, shops or recreational facilities when considering the impact on their wellbeing'. Local authorities should also consider the adult's ability to access and engage in work, training, education and volunteering.

7.0 Consultation Undertaken and Responses

A public consultation is required with a Key Decision from Full Council due to the change in policy and political sensitivity around this decision. The public consultation will follow the standard NYCC process.

The public consultation is scheduled to take place from 8th January 2018 to 2nd April 2018 for 90 days subject to approval. There will be an online survey available on the NYCC website and Local Offer with paper copies made available for those who require this. An Easy Read version can also be made available. Public engagement events in localities will also be held from January 2018 onwards during the day and evening.

Existing communication methods will also be utilised such as promoting the consultation through the Red Bag to schools, Local Offer, NYPACT, NYCC website, corporate Facebook and Twitter accounts.

8.0 Impact on Other Services/Organisations

The Local Authority should pay due regard to other priorities within the Authority on which the outcomes of these proposals may have an impact or influence. This includes:

The development of the future strategic plan for educational provision for children with SEND will have with significant impact on SEN transport costs as it will ensure that longer term the right provision is in the right price. This will mean that a child's need will be met more locally.

Health and Adult Services (HAS) are currently undertaking a review of assessment provision in line with the Social Care Act, along with an Adult Service transport review which is due to go out to public consultation from March-May 2018. Following this the HAS proposals may be combined as a joint timeline for implementation for students who are Post 19 depending on the outcome of the Home to School Transport consultation from December 2017 – March 2018

9.0 Risk Management Implications

Key Risks:

All risks outlined below are high level and are subject to implementation following the public consultation. Depending on how the Home to School Transport policy is updated, following the public consultation, a more detailed risk analysis will be carried out with mitigating actions developed for each risk within the Final Business Case and as part of the Implementation Plan.

<u>Risks:</u>	<u>Proposal</u>
Risks are minimal as young people will be provided with transport subject to the minimum charge. A reduced rate is in place to support families with lower incomes.	Proposal 1
There will be an impact on Health and Adult Services. This option may cause an increase in requests for support from adult social care and needs to be further investigated, as part of the social care review. The policy's and assessment processes will be aligned to ensure provision is consistent. Potential damage to the Council's reputation.	Proposal 2
Transport arrangements made by parents/carers must be safe, the LA would	Proposal 3

<p>need to issue guidance if families use money to make own arrangements.</p> <p>This option would need to be reviewed and allocated on a case by case basis which would be officer and time consuming therefore impacting on the savings to the LA.</p>	
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10.0 Equalities Implications

The LA has identified the proposals if implemented may have a negative impact on some children and young people, the changes are necessary to ensure provision can continue. It is anticipated any changes to the current home to school transport services will impact more on the following: Young people aged 16 to 25; People with special educational needs and disability; particularly those living in a rural area or families with a low income. Because these groups are more likely to find change challenging, there is potential for some negative impact. Therefore, if changes are made to current services, they will need support to make the transition.

The Authority anticipates that some changes if implemented may bring positive impacts to the young people and their families particularly in respect of independent travel training and more flexibility with personal budgets for transport allowances.

Due to the potential for some adverse impact, which will be closely monitored and mitigations identified if necessary the proposed Home to School Transport Policy and EIA will be revised following the consultation dependent on the responses received and prior to the new Policy being implemented.

A full EIA is attached separately.

11.0 Reasons for Recommendations:

The reasons for the below recommendations are as follows:

- To ensure the least amount of negative impact on children, young people and their families.
- To take corrective action to reduce the overspend whilst still providing transport to our statutory obligations.
- To ensure the Council is legally compliant
- To create and maintain equality across Mainstream and SEND provision.
- To reduce the damage to the Council's reputation
- To reduce disadvantage to families

12.0 Recommendation(s) –

The recommended options to consult on in relation to updating the Home to School Transport Policy are:

Proposal 1: Removal of the FREE Transport statement for SEND Post-16 to 18 students with an EHCP from September 2018, to bring it in line with mainstream transport arrangements

Proposal 2: Recognise SEND Post-19 students as adults in education, and identify unmet transport need in line with Health and Adult Services social care assessment.

Proposal 3: Promote Parental Transport Allowance to SEND sole-occupancy

provision with a realistic enhancement to reflect the young person transport need (for those eligible for transport assistance under statutory duty)

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19 December 2017

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Background Documents:

Equality Impact Assessment

Research into other Local Authorities

Finance Report

DfE Home to School Transport Statutory Guidance

Current Home to School Transport Policy 2015

Home to School Post 16 Transport Policy Statement 2017/18