

8 February 2022		ITEM: 8
Children's Services Overview and Scrutiny Committee		
Home to School Transport		
Wards and communities affected: All	Key Decision: Key	
Report of: Sarah Williams, Strategic Lead, Education Support Service		
Accountable Assistant Director: Michele Lucas, Assistant Director Learning, Inclusion and Skills		
Accountable Director: Sheila Murphy, Corporate Director Children's Services		
This report is Public		

Executive Summary

The Council has a statutory duty to make such travel arrangements to facilitate attendance at school for eligible children aged 5-16 and in certain circumstances, for young people of sixth form age and young people with Education Health Care (EHC) plans up to age 25. The Council currently transports 1,161 students travelling via 174 contracted routes and a small number of alternative travel arrangements via bus, train or offer of fuel reimbursement on a daily basis.

There are several categories of transport under each of the duties above and officers have undertaken a review of all transport arrangements to ensure they are delivered sustainably, effectively and in accordance with the Council's statutory duty.

The review has introduced cost saving measures such as the decommissioning of transport along routes previously deemed unsafe where the Council have identified safe alternatives, and the consideration of the introduction of Personal Travel Budgets. The Council have also introduced measures such as the launch of the Travel Training programme, and the development of a behaviour management support service as well as looking to train current Transport Passenger Assistants to support pupils with very complex needs. These services develop independence and improve the travel experience of children with complex medical and/or behavioural needs.

1. Recommendation(s)

- 1.1 That Members review and comment upon the work undertaken related to Home to School Transport and Post 16 SEND Transport in relation to the areas outlined within this report.**

2. Introduction and Background

- 2.1 Home to School Transport and Post 16 Transport have undergone a full service review, which has led to a range of transformational activities aimed at increasing the levels of independence for children and young people, ensuring travel arrangements are sustainable in accordance with Department for Education guidance 2014 and the goals set out at the COP 26 summit 2021.
- 2.2 There are a number of projects being progressed following the review of Children's Transport. These projects include unsafe routes, post 16 transport, new transport IT module and travel training.

3. Issues, Options and Analysis of Options

3.1 Issue: Unsafe routes

In line with the Education Act, Home to School transport is currently provided to all secondary school students that live on a route where no footway links currently exist between their home and the school. Such routes have historically been referred to as 'Unsafe routes'.

Option: Identify safe routes/decommission contracted vehicles

Officers have undertaken a review of all transport to St Clere's School along a route considered for many years to be an 'Unsafe route'. However, a number of safe alternative routes are being investigated/reviewed including an existing public transport route. Therefore, the Council having sought external legal advice believe that the route to St Clere's School can be declared safe once alternative routes have been identified. As a result, the buses currently travelling along the route deemed unsafe could be decommissioned.

Analysis of Option:

There is currently six buses transporting St Clere's students to and from East Tilbury and Linford. The issues of safety, capacity, timing and other factors impacting students travel along the route have been considered in depth supported by a professional risk assessment and discussions with C2C, the Head teacher of St Clere's School and Ward councillors. The Council are confident that the alternative routes of the train and the bus will provide suitable provision for the children travelling to St Clere's School. Legal advice was sought on the issue and the guidance was that the option of other means of transport would be a safe route to school meaning the local authority does not have to pay for buses to transport children to this school.

It is to be noted that children travelling on council-led transport under any criteria other than the unsafe route criteria will continue to access free home to school transport in accordance with Thurrock Council policy.

3.2 Post 16 SEND Transport

Issue: Implementation of a personal transport budget

Thurrock has a duty under section 68 of the Education and Skills Act 2008 to make available services to encourage, enable or assist effective participation of SEND young persons and adults in education and training. It is the Council's prerogative to award transport to post 16 SEND students. However, the guidance within the Department for Education's Post-16 Transport and Travel Support to Education and Training stipulates that where the local authority makes such arrangements, any transport provided must be free of charge. Where the local authority decides not to provide transport arrangements in a particular case, they still have discretion to pay all or part of the reasonable travelling expenses for the student.

Option: Allocation of a personal transport budget

Post 16 SEND transport does not fall within the Council's statutory transport duty, however many students meet the discretionary criteria to support post 16 travel for learning. Thurrock students with SEND who have been assessed as high need or have had their application for Discretionary Transport approved will be allocated a personal travel budget, which will cover their travel expenses. We are looking to introduce this once we have identified suitable payment systems to support young people's travel. Students assessed as not eligible will not be provided with free transport.

Analysis of the option:

The needs of a post 16 student with SEND must be assessed in the first instance and the Preparing for Adulthood Team will carry out this assessment. Where the local authority identifies that a young person would benefit from travel assistance transport is free of charge. In all other cases, it is within the local authority's discretionary power to determine whether a parent/student is to pay the full cost of their transport.

In Thurrock, the Preparing for Adulthood team (PFA team) carries out the assessment of post 16 SEND students for transport assistance. Students who are assessed as being able to travel independently will be advised of appropriate travel routes to and from their post 16 facility. The PFA team will also refer students who may require support to travel independently on to the Travel Training programme.

The Council's Discretionary Transport policy outlines a number of circumstances including medical conditions of the student/parent, bullying or residence in temporary accommodation, which the Council will consider following an online application by a parent/student highlighting the exceptional nature of their circumstances. In Thurrock, the Children's Transport team reviews applications for Discretionary Transport. This is overseen by our SEN eligibility officer.

3.3 Travel Training Programme

Issue: Launch of the Travel Training Programme

When the Council makes free travel arrangements for a child or assesses a young person as being able to travel independently if supported with training, it will offer travel training so that children can gain confidence and life skills.

Option: Continue with the current post 16 SEND offer and commence from year 9 in 2022

The Council has highlighted the importance of having sustainable travel options and support for the use of public transport will help to reduce vehicle emissions, reduce congestion and reduce the Council's transport costs. The Preparing for Adulthood Team assesses all young people for Travel Training from year 11, once transport is agreed. Officers are of the view that it would be beneficial to consider the assessment of young people for travel training from year 9 starting September 2022 at the point when transport is agreed, to support younger students to travel independently by the time they access a post 16 facility.

Analysis of the Option:

The Council's travel training programme commenced in August 2021. 19 young people were identified and assessed at their annual review in year 11. Four of those young people, their parents and their Preparing for Adulthood caseworkers agreed to commence the travel training as it would be in the young person's best interests in preparing them for independence. One of the 11 young people on the course has completed the training and travels independently, this is a major benefit for this young person and subsequently transport is no longer provided. Upon completion of the programme and final assessment, the Council will withdraw all travel assistance.

3.4 Additional Issues for consideration:

3.4.1 The introduction of Personal Travel Budgets

When the Council makes travel arrangements for a child or young person it will choose the most suitable and sustainable option that also promotes good health and independence. The Council currently offers a range of travel solutions including mileage allowance, a pass for public transport, a place on a specially contracted bus, a personal walking assistant or introduction to a "walking bus" arrangement.

An introduction of a personal travel budget or direct payment whereby an amount per mile could be granted to the parent/student costed, within a value for money context (not costing more than services provided directly). The personal budget can be made as a direct payment. The aim of Direct

Payments is to increase parents/student's independence and choice by giving them control over the way they travel to their place of education.

3.4.2 Behaviour Management Support Service

The majority of special schools are placed outside of the borough and students are placed in the schools that best meet their needs. The long journey to school in a vehicle with other students is often a challenge leading to behavioural/emotional issues. These behaviours often lead to an individual taxi being requested to enable the student to travel in isolation and avoid the triggers of emotional meltdown or even violent outbursts. This transport is sometimes a duplication of vehicles and funds as a joint vehicle is already running the same route.

As part of our overall review, we are exploring the option to recruit a behaviour specialist. The benefits of recruiting a Behaviour Specialist to spend a set period of time with each child/young person offering strategies to manage their behaviour and develop emotional strength during travel. The role has been adopted in other local authorities. The main duties/responsibilities of the role include designing, implementing and measuring behavioural interventions for children and young people demonstrating high levels of challenging behaviour to enable them to travel safely, independently and with other students on joint transport.

4. Reasons for Recommendation

- 4.1 The recommendation asks that members review and comment on the various projects presented within this report to support the work aimed at supporting children and young people to travel independently, ensure sustainable and effective travel and reduce spend across the Children's Transport budgets.

5. Consultation

- 5.1 Unsafe routes: a travel awareness survey of St Clere's School students and their parents between 9 and 31 December 2021. The survey was carried out to help officers understand the level of awareness held by parents and students around alternative methods of travelling to and from St Clere's School, and to gain insight into their perceptions and understanding of how safe those methods may be.
- 5.2 The survey was not a formal consultation. It was carried out strictly for information to support the modelling of the unsafe route project. There are no policy changes proposed and therefore it is not a requirement under the Education Act 1996 and Transport Act 1985 that we consult with the public.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 This report impacts on the following corporate priorities:

- People: a place where people of all ages are proud to work and play, live and stay;
- Place: a heritage rich Borough which is ambitious for its future;
- Prosperity: a Borough which enables everyone to achieve their aspirations.

7. Implications

7.1 Financial

Implications verified by:

David May

Strategic Lead Finance

The Council has a statutory duty to transport the pupils involved and to identify ways in which this is delivered in a sustainable and cost effective way. The review has formed part of the overall work of the Council around identifying efficiencies.

The introduction of a personal travel budget would be an appropriate option for parents/students to enable them to make arrangements to attend their place of education. This option has already been adopted by other local authorities.

7.2 Legal

Implications verified by:

Lindsey Marks

Deputy Head of Law

Section 508B Education Act 1996 imposes a mandatory duty on the council duty to ensure that eligible children's attendance at school is facilitated by the making of sets out the Council's duties relating to school transport and makes it clear that free transport only has to be provided for "eligible children" and these include disabled children and those from low income families entitled to benefits. Section 508C Education Act 1996 gives local authorities discretionary powers under to make arrangements for those children not covered by Section 508B Education Act 1996. A local authority has discretion to provide transport for children who are outside of the statutory eligibility criteria and where such transport is provided to make a charge for it. There is no requirement for these discretionary arrangements to be provided free of charge such suitable home to school travel arrangements as the local authority considers necessary.

Section 68 Education Act 1996 requires the council to make available services to encourage, enable or assist effective participation of SEND young people and adults in education and training. The council also has a duty to provide safe and stress-free transport.

Section 30 Children and Family Act 2014 requires the council to publish as part of the local offer information about the arrangements for travel to and from schools and post-16 institutions and places. The Post-16 Transport and Travel Support to Education and Training Statutory Guidance for Local Authorities, published in January 2019 provides the council with statutory guidance about the arrangements for travel to and from schools and post-16 institutions and places. The Government's 0-25 SEND Code of Practice published by the Government requires the council to publish a transport policy statement each year setting out the travel arrangements they will make to support young people aged 16 to 19 and learners with learning difficulties and/or disabilities aged up to 25, to access further education. This should include any arrangements for free or subsidised transport.

Section 508B (4) (b) Education Act 1996 provides that the council cannot offer direct payments without parental consent.

7.3 **Diversity and Equality**

Implications verified by: **Rebecca Lee**
Team Manager Community Development

Supporting our children and young people who have special educational needs and disabilities is a key strategic priority for Thurrock Council. The service will fulfil its duties in accordance with the Equality Act 2010 and related Codes of Practice and Anti-discriminatory policy with practice to achieve equality, inclusion and diversity at its core. Information gathered through the analysis of options set out in this report will support a Community Equality Impact Assessment (CEIA).

7.4 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None.

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. **Appendices to the report**

- None

Report Author:

Sarah Williams

Strategic Lead, Education Support Service
Children's Services