

<i>COMMITTEE</i>	YOUTH AND EDUCATION OVERVIEW AND SCRUTINY COMMITTEE
<i>DATE</i>	TUESDAY 24 SEPTEMBER 2002
<i>TITLE OF REPORT</i>	REPORT OF THE TASK GROUP ON SEN HOME TO SCHOOL TRANSPORT
<i>RESPONSIBLE OFFICERS</i>	Bjorn Simpole, overview and scrutiny co-ordinator Richard Barker, assistant director (school services)

1 PURPOSE OF REPORT

This report outlines the findings of the Task Group established to review the Council's provision of Home to School Transport for children with a Special Educational Needs statement.

2 RECOMMENDATIONS

2.1 The Committee is requested to:-

- (i) agree the revised criteria attached as Annex A for implementation from September 2003, considering any changes they wish to make relating to post 16 provision in light of the new information contained in section 5 of the report.
- (ii) request that the Cabinet agree the revised criteria and that formal consultation with stakeholders takes place.

3 INTRODUCTION

- 3.1 A Task Group was established by this Committee on 19 December 2001 to review the Council's criteria on SEN home to school transport for children with an SEN statement. It was agreed at this stage, that proposals for revised criteria would be examined separately from the main Passenger Transport Review.
- 3.2 The membership of the group comprised Councillors Burt, Cooper, Hewett and Wyper. Officer support was provided by a member of the Overview and Scrutiny section, various members of the Education and Leisure directorate and the Passenger Transport Manager (leader of Passenger Transport review).
- 3.3 The group met twice in January and March of this year and it's views have not been reported back to the Committee sooner as it has been the intention to

make these proposals alongside consideration of the Passenger Transport Best Value Review.

4 FINDINGS

4.1 A major focus of the group's efforts was to review the Council's current criteria for Home to School transport, taking into consideration the requirement under Best Value to identify savings wherever possible.

4.2 Suggested revised criteria for implementation from September 2003 is attached as Annex A. Following Cabinet approval of the revised criteria, this will need to be the subject of consultation with stakeholders.

4.3 The group studied the Special Needs Transport Policy which was adopted in March 1998 and suggested that Officers seek legal advice with regard to the Disability Discriminatory Act and the policy. It was emphasised that the current policy should be updated and consultation take place.

4.4 In addition the group explored a number of related issues for the purpose of feeding views into the Passenger Transport Best Value review: -

Post 16 Charges

4.5 It was identified that there was an anomaly in current post 16 charges in that currently mainstream parents were required to make a contribution of £298 per year towards the cost of transport, while no charge was made for non-mainstream pupils. The group believes that at post 16 level non-mainstream pupils should be brought into line with charges for other pupils.

4.6 In removing free post-16 transport for non-mainstream pupils, the group would like the authority to emphasise in guidance to parents that Medway's charges were below the national average and that the provision of transport was well in excess of the Council's statutory requirements.

Further Education

4.7 Whilst at present financial assistance is provided in certain cases for further education students, the group agreed that this should no longer be the role of a local authority to provide such funding. Instead, it was felt that the Learning Skills Council along with individual colleges should provide such assistance in future (the last paragraph of the revised criteria refers).

Cash Allowances

4.8 It was explained that it could be of financial benefit to the authority in some cases to offer cash allowances to the parents of some pupils instead of transport. An example of this was highlighted where one pupil was provided

with a taxi for a journey of a reasonable distance. Under such circumstances paying a cash allowance could allow the authority to make a saving.

- 4.9 It was emphasised that it should be made clear to parents that they could not opt out of transport being provided and request a cash allowance instead. Offers of cash allowances would only be made at the Council's discretion in suitable cases. The group believes that a degree of flexibility is required and that the authority should identify suitable cases.

Direct Provision

- 4.10 The Audit Commission have recommended that Local Education Authorities should consider directly providing some services to prevent a cartel of local operators developing. The group's view is that direct provision on a large scale would not be appropriate, but there might be individual cases worth considering. Options for direct provision are contained in the Passenger Transport options report.

5 DIRECTOR'S COMMENTS

- 5.1 Since the Task Group on SEN Home to school Transport last met, the LEA has received LEA Circular LEA/0169/2002 containing details of current activity and changes to legislation regarding transport for sixth form/college students aged 16-18, and continuing students over the age of 19. The amendments to post-16 transport legislation will be brought into force in January 2003. This will make it necessary for LEAs to publish policy statements by 31 May 2003 for implementation in August / September 2003.
- 5.2 Policy statements must include details of all local provision supported by LEAs and their partners, together with other discounts and concessions from all known sources.
- 5.3 Where student support is assessed as necessary to enable individuals to access or complete their courses, this should be made available by way of discounts, subsidies, travel cards or passes or as cash. Where appropriate, the Connexions Card may prove an effective means of providing support.

The needs of students with disabilities and/or learning difficulties:

- 5.4 Eligibility should be based on the Disability Discrimination Act. Assessment of transport needs should normally be carried out by the Careers Service, Connexions Services or other organisations for younger students. Where students are assessed as needing transport support this must be provided until students reach the age of 19 or when the course finishes, whichever is the later. (This is usually at the end of the academic year in which the student turns 19 for those who have a statement of special educational needs). However, good practice suggests that wherever possible, LEAs and their partners should provide support for students who have been identified as disabled and needing transport support until at least the age of 21, and ideally up to 25.

- 5.5 The proposed changes to section 509 will continue to give LEAs responsibility for co-ordinating transport support in their local area, working with their sixth forms, colleges, Passenger transport Authorities and the local LSCs to improve planning, purchasing and the use of resources. The proposed changes will include criteria setting out when LEAs and their partners are required to offer support. LEAs will also be required to prepare and publish transport policy statements under the revised legislation and guidance, following consultation with their partners, by 31 May each year.

6 LEGAL IMPLICATIONS

- 6.1 Legal implications are covered in section 5 of the report.

7 FINANCIAL ADVICE

- 7.1 The SEN Transport budget for the financial year 2002/03 is £2,032,700.
- 7.2 The adoption of revised criteria for SEN Home to School Transport will result in some financial savings for the authority.

8 BACKGROUND DOCUMENTS

Notes of the Task Group meetings held on 24 January and 26 March 2002

Report Authors – Bjorn Simpole (overview and scrutiny co-ordinator)
Teresa Bretman (special education services manager)

REVISED CRITERIA FOR SEN TRANSPORT

1. Free Home to school transport will be provided for pupils with statements of Special Educational Needs, to the nearest appropriate school and up to statutory school-leaving age if one or more of the following criteria are met and where the request is from the Decision Making Group (DMG):
 - i. The distance from home to the nearest appropriate school is over the statutory distance, i.e. If the child is under 8 years old – over 2 miles; if the child is aged 8 and over – over 3 miles.
 - ii. The pupil is physically disabled and their mobility is dependent upon the use of a wheelchair, irrespective of distance.
 - iii. The pupil has a physical disability that prevents them from using public transport, e.g. pupils with splints and callipers, irrespective of distance
 - iv. The pupil is registered blind or deaf, irrespective of distance.
 - v. Any pupil who attends Abbey Court School, irrespective of distance.
 - vi. The pupil attends Bradfields School and is Audit Level 5 or above, irrespective of distance. For those pupils below Audit Level 5 – the distance criteria applies. Pupils who are Audit Level 5 can have a bus pass in years 10 and 11 if the Headteacher requests it to support the pupil's independent living skills. This will require reasonable notice (usually well before the end of the summer term for September) to facilitate the reconfiguration of transport. Bus passes for Years 10 and 11 will be issued on a whole-term basis and it will not be possible to return to hired transport within that term.
 - vii. The pupil attends Danecourt School and is Audit Level 5 or above, irrespective of distance. For those pupils below Audit Level 5, the distance criteria apply.
 - viii. The pupil attends either the Marlborough Unit or the Hoo St. Werburgh Centre and is Audit Level 5 or above, irrespective of distance. For those pupils below Level 5, the distance criteria apply.
 - ix. Where the pupil's emotional and behavioural difficulties will create a Health and Safety hazard to the individual or community. Requests for transport should come from the Head of the Behaviour Support Service who will advise accordingly.
 - x. The pupil has medical needs and receives tuition at the schoolroom, Medway Hospital or at another approved site. The pupil will receive transport irrespective of distance. Special Educational Services will fund

transport for pupils with a statement of special educational needs. For those pupils who do not have a statement of special educational needs, the cost will be picked up by the mainstream school transport budget.

- xi. A pupil who has to transport medical equipment, e.g. oxygen tanks, whether attending a special school or a mainstream school.

- 2. The mode of transport will be at the LEA's discretion and will take Best Value into consideration. Re-scheduling of vehicles will take place as appropriate in the light of changing needs.

- 3. Any student over the statutory school leaving age will pay the current Post Statutory Charge, which will be waived if the parent or student is in receipt of the qualifying benefits.

For the student who begins his/her first full-time non-advanced course at the nearest appropriate college and who reaches the age of 19 years during that year, travel assistance will be provided but will cease at the end of that academic year. This means that a student who embarks upon such a course does so in the knowledge that they will not receive assistance with transport for more than one year. Students and parents (responsible adult) should discuss what assistance the college could offer via their college access fund.

Teresa Bretman