

<b>For:</b> (x) <table border="1"> <tr> <td>Executive</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>CLMT</td> <td><input type="checkbox"/></td> </tr> </table> <b>Meeting Date:</b> 29 April 2013 <b>Report of:</b> Corporate Director – Children & Learning  <b>Report author:</b> Harriet Martin (Educational Psychology and Assessment Manager)	Executive	<input checked="" type="checkbox"/>	CLMT	<input type="checkbox"/>	<b>Agenda Item Number: 8</b>
Executive	<input checked="" type="checkbox"/>				
CLMT	<input type="checkbox"/>				

<b>Subject:</b> Special Educational Needs (SEN) Home to School/College Transport Policy  <b>Lead Executive Member(s):</b> Cllr Waheed Akbar <b>Wards Affected:</b> All	<b>Consultations:</b> Councillors <input checked="" type="checkbox"/> Scrutiny <input type="checkbox"/> Stakeholders <input checked="" type="checkbox"/> Others <input type="checkbox"/>	(x) <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
---	--	---

<b>Recommendations</b>  <ol style="list-style-type: none"> <li>That Executive considers the results of the consultation on transport for young people over 16 with SEN and/or disabilities and agrees to continue to fund transport for these young people for 2013- 2014 under the terms of the current policy while alternative sources of funding are explored.</li> <li>That Executive considers the results of the consultation on transport for children under 5 (pre-school) with SEN and/or disabilities and agrees to continue to fund transport under the terms of the current policy.</li> </ol>
<b>Background</b>  <u>Post 16 Transport</u>  <ol style="list-style-type: none"> <li>The 16-18 transport duty relates to learners of sixth form age with learning difficulties and/or disabilities aged up to 19 (and beyond the age of 19 if they are continuing on a particular course started before the age of 19). As with all post 16 transport, the Council has discretion to determine what transport and financial assistance is necessary to facilitate attendance of young people of sixth form age receiving education or training. However it may be argued that it is necessary to provide greater assistance to those with learning difficulties and/or disabilities.</li> <li>Local authorities also have a duty under the Education and Skills Act 2008 to encourage, enable and assist the participation of learners with learning difficulties and/or disabilities up to the age of 25 in education and training. These are learners with significant difficulties who have undergone a specific assessment of their needs (under the Learning and Skills Act 2000 and Educational and Skills Act 2008).</li> </ol> <u>Transport for Pre-school Children with SEN</u>  <ol style="list-style-type: none"> <li>Local authorities do not have a statutory duty to transport any child under 5 (statutory school age).</li> </ol>

<b>The current position</b>
<p data-bbox="92 208 347 241"><u>Post 16 Transport</u></p> <p data-bbox="92 275 1535 387">6. The Council currently provides door-to-door free transport for students with SEN who are unable to access public transport. This is up to the age of 25 although most learners receiving free transport are between 16 and 19 years of age.</p> <p data-bbox="92 432 707 465"><u>Transport for Pre-school Children with SEN</u></p> <p data-bbox="92 499 1544 678">7. Currently Luton provides transport to pre-school children with SEN who have been offered a place by the Council in a specially resourced nursery or who are attending groups specifically for those with significant difficulties and/or disabilities where the educational provision is more than 2 miles from their home. This is the distance criteria that applies to children attending primary school under the age of 8.</p>
<b>Goals and Objectives</b>
<p data-bbox="92 763 1517 831">8. To consider reducing expenditure in this area to contribute to the Council's savings targets (the total potential savings in 2013 – 2014 ).</p>
<b>Proposal</b>
<p data-bbox="92 943 355 976"><u>Post 16 Transport</u></p> <p data-bbox="92 1021 1544 1133">9. The Council consulted on seeking a parental contribution towards transport costs equivalent to that which would be paid by a student travelling to college on the public bus network. This would provide an income of approximately £35,000 in 2013-2014 and £50,000 in 2014-1015.</p> <p data-bbox="92 1167 475 1200"><i>Results of the Consultation</i></p> <p data-bbox="92 1245 1544 1357">10. There were 108 responses to the questions about post 16 transport for pupils with SEN. As this is a relatively small sample size this report must be interpreted as indicative only as it may not be representative of the population as a whole.</p> <p data-bbox="92 1391 1497 1536">11. Of those responding 43% indicated that if the Council were to seek a parental contribution towards transport costs this would have very little or no impact for them. 38% indicated that it would have a very big impact. 54% of respondents were in the 16 – 24 age group (the age group most likely to be affected) but only 16% considered themselves to be disabled.</p> <p data-bbox="92 1570 1544 1906">12. Comments by those who considered that the proposal will have a fairly or very big impact seemed to imply that there was some confusion over whether the proposal concerned school age or post 16 learners and also a confusion over whether the proposal is to cut services altogether or to ask for a contribution (it is the latter). However many of those who were clearly commenting on post 16 learners were concerned that if the proposal was agreed some learners would not attend FE college and/or that it could be seen as discriminatory and/or that it would be a financial strain for families. On the other hand there were also some individual comments about how parents should take responsibility for getting their children to school and that the Council should cease funding all non compulsory transport.</p> <p data-bbox="92 1939 1437 2051">13. There were no comments on the specific proposal to ask young people to contribute the equivalent cost of travelling to college on the public bus network. There were also no suggestions as to how the Council could reduce the impact of the proposal if it were to go</p>

through.

14. However throughout the consultation there has been a strong theme coming through that people are very concerned at cutting support for young people with SEN and/disabilities, who are amongst Luton's most vulnerable and whose families already incur considerable cost.
15. In the light of this further options to fund all or some of the costs are being explored.

#### Transport for Pre-school Children with SEN

16. The Council consulted stakeholders on three options.

##### **Option 1**

17. That the Council ceases to provide transport for any child under 5 attending an early years provision. This option would save approx £90,000 in a full year.

##### **Option 2**

18. That the Council provide transport for a very limited range of pre-schoolers with SEN. Clear criteria for this would need to be developed. Views on criteria to be used could be sought during the consultation. Suggestions are:
  - where there is evidence that their parents/carers are genuinely unable to transport because they have a medical condition;
  - where there is a child protection plan in place and the family need short-term support;
  - families with low income.
19. Savings here would depend on the criteria chosen and the cost associated with administering decision making.

##### **Option 3**

20. That the Council ask parents/carers to pay the cost of transport. Savings would depend on the cost of collection, arranging the transport and whether parents were asked to contribute to these administrative costs in addition to the cost of the transport itself.

#### *Results of the Consultation*

21. There was an average of 58 responses to the questions about the three proposals to end or reduce transport for pre-school children. As this is a relatively small sample size this report must be interpreted as indicative only as it may not be representative of the population as a whole.
22. 68% of respondents thought that the proposal to end transport altogether for children under 5 would have very little or no impact for them. 25% believed it would have a very big impact. 63% of those responding to the proposal to provide transport for a limited range of pre-schoolers thought that the proposal would have very little or no impact on them. 25% believed that this proposal would have a very big impact. On the other hand only 43% of those responding to the proposal that parents or carers should pay for the cost thought this proposal would have very little or no impact and 43% believed it would have a very big impact. 80% of respondents came from the 16 – 44 age group, presumably the group most likely to be affected should any one of these proposals go through.

23. As would be expected those who believed that the proposals would have a fairly or big impact on them commented that there were unfair and/or discriminatory and/or would place financial or other strain on families. However it is difficult to be clear how many of the respondents were commenting specifically on pre-school transport as some mentioned school or bus passes. As with the post 16 transport there are a minority of respondents who believe that parents should take responsibility for getting their children to school or nursery.
24. There was some sympathy for the proposals that reduced the impact by asking for parental payment or contribution (though this provoked the highest percentage of respondents who thought they would be affected) or by further restricting eligibility for transport. One person suggested, in effect, that parents should get together and those who could drive should take more than one child.
25. In addition, the council received a letter of concern about the proposals from Pursuing Perfection, a parents-group based within Lady Zia Wernher Special (primary) school. Subsequent to this officers and members met with disability group representatives and head teachers of special primary schools, who voiced strong concerns that the 3 options above would have a significant adverse impact on families and children. In particular they are concerned that young children with SEN will not be able to access an early years provision without transport assistance; and that this will impact adversely on children's outcomes and families' resilience. In turn, this could have implications for additional support needed when children start school and also for social care support for families who are unable to cope.
26. The original risk analysis of proposals to reduce/cut pre-school transport identified a clear risk, if the proposals went through, of parents being unable/unwilling to take their children to specialist nursery provision. If this happened then the Council would risk incurring future higher costs for supporting the child in school, or increase in need for special school places, because they would not have attended pre-school and so be less ready to benefit from mainstream school without considerable support. There is also the risk that demand for social care assistance will increase, as families feel isolated or unsupported. Indeed, the provision of a pre-school resourced place is taken into account when assessing the need for social care assistance, in so far as it can be a 'resilience' factor. There was also a general theme running through consultation responses that it would be unacceptable to cut funding for those with SEN and/or disabilities who are amongst the most vulnerable in Luton and where families already incur additional costs.

## Key Risks

Key Risk	Mitigation
Post -16 transport - public transport is seen as too expensive and becomes a barrier to accessing further education.	Seek alternative source of funding to cover costs.
Transport for pre-school children with special educational needs - parents are unable to get their children to a specialist nursery placement.	Provide transport for those parents with the greatest difficulty; seek a financial contribution from parents.

## Consultations

27. The following stakeholders were consulted:

- Young people of sixth form age and their parents.
- Parents of secondary aged pupils
- .Parents of children under 5 with disabilities/special educational needs known to Luton

Borough Council.

- Parents of pupils in special schools and those currently receiving transport to other schools on the grounds of their special educational needs.
- Parents and young people over 16 likely to be affected
- Local disability fora and parent groups
- Principals and Governing Bodies of colleges within the Luton and Dunstable conurbation and any other colleges/learning providers affected by the changes proposed.
- Luton's Post 16 Transport Partnership
- Headteachers and Chairs of Governors of all Luton schools and early years providers.
- Headteachers and Chairs of Governors of any out of Borough schools affected by the proposed changes
- Principals and Governing Bodies of colleges within the Luton and Dunstable conurbation and.
- MPs and Councillors.
- Central Bedfordshire Council and Hertfordshire County Council.
- Luton's Clinical Commissioning Group

**Appendices attached:**

Appendix A – IIA Report

**Background Papers:**

None.

**IMPLICATIONS**

For Executive reports

- grey boxes must be completed
- all statements must be cleared by an appropriate officer

For CLMT Reports

Clearance is not required

		<b>Clearance – agreed by:</b>
<b>Legal</b>	The legal implications are contained within the body of this report. It is a legal requirement to consult relevant stakeholders prior to making a decision that will affect the Council's Post 16 Transport Policy.	Graham Cole – Solicitor, Legal Services – on 16.4.13
<b>Finance</b>	The financial implications are contained within the body of this report.	Steve Dickman, Interim Finance Manager, Children and Learning has seen and agreed the financial implications within the report, Monday 15 <sup>th</sup> April 2013.
<b>Integrated Impact Assessment (IIA) – Key Points</b>		
<b>Equalities/ Cohesion/Inclusion (Social Justice)</b>	The IIA shows a some positive impact in terms of tackling poverty and promoting social inclusion as the proposal supports those least able to afford transport to and from college. However there	Maureen Drummond, Social Justice Adviser, 15 April 2013

	would likely be a negative impact on pre-school children who do not access specialist education as a consequence.	
<b>Environment</b>	Any reduction in bus travel would have an adverse impact on the environment if students were driven to school/college.	Strategy and Sustainability Officer, 15 <sup>th</sup> April 2013
<b>Health</b>	There is a beneficial health impact for children/young people who walk or cycle to school.	

**FOR EXECUTIVE ONLY - Options:**

- a) To approve the recommendations
- b) Not to approve the recommendations