

SEND HOME TO SCHOOL TRANSPORT

Cabinet

Date: January 2019

Author: Cabinet Member for Children's Services and School Attainment
Head of Education: Strategic Commissioner Routes to Employment

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 The report outlines an opportunity to create a more independent living approach to travel to school for children and young people with special educational needs who live within the mileage limit that could make them ineligible for free travel to school.
- 1.2 The report is necessary because as well as providing the opportunity for a more independent and self-sufficient approach to travel to and from school, it also will ensure the more efficient and effective use of the funding available whilst offering some cost reduction to the school transport budget.
- 1.3 Children and young people with special educational needs who live within the statutory mileage to their school are not always entitled to be taken to school by minibus or taxi. This has been part of practice for some time but is not statutory.

2. Recommendations

Cabinet is recommended to:

- 2.1 Agree to Option A as outlined in the report.

3. Detail

- 3.1 The purpose of this paper is to outline two possible options to create more a more independent living approach to travel to school. There are about 223 pupils with EHCPs (Education, Health & Care plan) that receive transport to school that live within the mileage limit for school transport. The estimated cost of this per year is in the region of £530,000. Families are normally expected to take their children to school if they live within 2 miles of the school if they are under 8, or within 3 miles of the school if they over 8.
- 3.2 A review was carried out in August 2018 by an external consultant who looked at a sample of 14 cases to consider the justification for the children receiving transport to schools. It would appear that custom and practice assumes that because a child has an EHCP they should receive transport to school despite the mileage eligibility rule. There was little evidence in the files that there was any degree of assessment of whether a child needed transport to school.
- 3.3 The current transport policy notes:

Further information on the subject of this report can be obtained from Peter Nathan, 01793 463067, pnathan@swindon.gov.uk.

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Students unable to walk to school by reason of their disability, or mobility problem (including temporary medical conditions).

3.18 Where a student is attending their nearest qualifying school (or designated school if this is not the nearest) which is within the relevant walking distance (i.e. within 2 miles if aged under 8, and 3 miles if aged over 8), but is unable to walk to that establishment (accompanied as necessary) by reason of their SEN and/or disability, he or she will be eligible for transport assistance.

3.19 Transport may be provided to the designated appropriate school on medical grounds for either short-term provision, where a student has a temporary medical problem or on a long-term basis if the student has a particular long term condition. In both cases recommendations must be received from the Local Health Authority.

3.20 Evidence would be required and any application would be considered on a case by case basis. In all cases recommendations must be received from an appropriate medical officer from the Local Health Authority. This should be a Consultant looking after the student.

3.21 If assistance is granted this would be reviewed termly, with the need for new evidence to be submitted. If assistance is granted the LA, in the first instance would seek to provide petrol expenses. If a parent cannot provide evidence from the Local Health Authority, the LA will remove that assistance.

Students with special educational needs have the same entitlement to transport assistance under legislation or policies agreed by Swindon Borough Council as all other students (please see section 3 of the policy, Eligibility). The special educational needs of the student may also be taken into account (please refer to page 6 of section 3).

3.4 There is currently an appeals process through the Education Transport Appeals Committee.

3.5 There are two options to consider in terms of pupils who live within the mileage limit:

A) This would introduce new practice from September 2019. All new pupils who receive EHCPs with a named school within the mileage limit would not automatically receive transport to school (usually by minibus or taxi). Instead, parents/carers would have to apply for transport with the appropriate health information to receive transport with the right of appeal to the committee. This would also apply on transition to a new school.

B) This would be similar to A) above but this would apply to pupils who are currently in school as well. In this scenario, a notice period would be put in place warning parents/carers of the change which would come into place from

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September 2020. Then parents/carers would have to apply for transport as above.

4. Alternative Options

- 4.1 The three main options have been presented. A further option is not to change the policy but this would not encourage independent living and would not create a budget saving.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There is the potential to make a budget saving with this proposal although this it is not possible to quantify accurately. Over time, however, if 25% of children and young people with SEND who are currently transported to school travelled independently, then a saving of £125,000 per year might be expected.

Legal and Human Rights Implications

- 5.2 There are no legal or human rights implications to the report. It is considered that the report's recommendations are compatible with Convention Rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no other implications.

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment (DIA) has been completed and a copy is available from the report author. This shows that this initiative may have a positive impact in terms of supporting independent living.

Risk Management

- 5.5 There are several risks with this change in the way that the transport policy is implemented. There could be a high number of appeals for transport which could put considerable management pressure on committee services which would have to be addressed. If Option B is chosen, there could be considerable unhappiness amongst parents/carers who lose their current free transport which would have to be managed through the Communication team.

6. Consultees

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all Cabinet reports.

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7. Background Papers

7.1 None.

8. Appendices

8.1 None.

9. Key Decision/Decision in Cabinet Work Programme

9.1 This is not a Key Decision