

# Special Educational Needs and Disability (SEND) Home to School Transport Policy 2021-22

**Cabinet**

**Date: 1<sup>st</sup> July 2020**

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Author: Cabinet Member for Children's Services  
Interim SEND Lead

Wards: All

Parishes Affected: All

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## **1. Purpose and Reasons**

- 1.1 To seek Cabinet's agreement to approve the Special Educational Needs and Disability Home to School Transport Policy for 2021-22.
- 1.2 This report relates the Vision priority 2: "Offer education opportunities that lead to the right skills and right jobs in the right places."

## **2. Recommendations**

Cabinet is recommended to:

- 2.1 Note the outcome of the consultation process and the revision to draft policy to make it more accessible as well as to set out how children and young people's medical needs would be met on transport.
- 2.2 Approve the Special Educational Needs and Disability Home to School Transport Policy for all applicants for 2021-22.

## **3. Detail**

- 3.1 The Special Educational Needs and Disability Home to School Transport Policy was consulted upon between 11<sup>th</sup> November 2019 and 30<sup>th</sup> December 2019. The Local Authority published the consultation on its website and through all local schools and the pre-schools, neighbouring Local Authorities and the Diocesan Boards of Education.
- 3.2 Schools were also asked to advertise the consultation on their websites, publish information on their school newsletters and by displaying posters. It was also sent to Specialist provision in Swindon and Swindon SEND Families Voice.
- 3.3 Survey responses could be made in writing or by using an online survey tool. The Local Authority received three responses to the consultation.
- 3.4 These responses led to further development to the policy in order to address the concerns raised through consultation regarding the accessibility of the document as it was found to be confusing and how children and young people's medical needs were met on transport.

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Further information on the subject of this report can be obtained from Joanne Godwin, [jgodwin@swindon.gov.uk](mailto:jgodwin@swindon.gov.uk).

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- 3.5 The policy underwent further review and the changes made were further consulted through Swindon SEND Families Voice, the Clinical Commissioning Group and Swindon Borough Councils Passenger Transport Team. All parties have responded to confirm that their responses to consultation have now been incorporated in the policy.
  - 3.6 Swindon SEND Families Voice have confirmed the policy is able to be understood by families by providing further detail and explanations.
  - 3.7 Improvement has been made to include additional options to access support with travel available to young people aged 16+ with Special Educational Needs and Disability. This includes application for bursaries and independent travel training in addition to the provision of transport. This will be incorporated into the mainstream policy for 2022/23.
  - 3.8 Appendix A has been added to provide an easy guide to the code of conduct regarding travel arrangements for children, young people and their parents/carers so children and young people can be prepared. It also outlines the expectations on council staff.
  - 3.9 Appendix B has been co-produced with Swindon SEND Families Voice at their request and will be regularly reviewed and updated with parents / carers as necessary.
  - 3.10 Children and young people's medical needs will be identified through an individual risk assessment and where identified as required, met.
  - 3.11 An online application process has been added to provide greater control to families and carers in making applications for children and young people with special educational needs and disabilities.
  - 3.12 The Local Authority has a legal duty, following consultation, to publish by September of each year its transport policy, which will apply 12 months later. The previous Education Transport Policy was made up of both the Mainstream and SEND policies, but these have now been separated into defined policies in order to make it clear to parents / carers and children which policy applies.
  - 3.13 Free home to school transport is set out within the Education Act 1996, as amended, and provides for free home to school transport to be offered to all pupils who meet the following criteria:
    - 3.13.1 Are of statutory school age (5-16);
    - 3.13.2 Attend their designated appropriate area school (or another school at which the Local Authority has offered a place); and

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- 3.13.3 Live more than three miles from their catchment area school (or two miles if under eight years of age) or do not have a safe walking route when accompanied by an adult to their catchment area school.
- 3.14 Sections 508B and 508C of the Act makes provision for local authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. The Council has developed its Travel Assistance Policy in accordance with this legislation and equalities legislation to ensure it is able to meet its statutory duty.
- 3.15 The eligibility for children with SEN, disability, mobility or medical condition who cannot reasonably be expected to walk to school is assessed on an individual basis and it includes the following:
  - 3.15.1 The child must be attending the nearest appropriate school as determined by the Council
  - 3.15.2 The child cannot reasonably be expected to walk to school.
  - 3.15.3 There is evidence that their medical condition, mobility issues or special educational needs affect their ability to travel to and from school.
- 3.16 Eligibility, for such children should be assessed on an individual basis to identify their particular transport requirements. Usual transport requirements (e.g. the statutory walking distances) should not be considered when assessing the transport needs of children eligible due to SEN and/or disability.
- 3.17 As per Schedule 35 of The Act, disability is as defined in Section.6 of Equalities Act 2010: a person has a disability if they have (a) a physical or mental impairment, and (b) that impairment has a substantial a long-term effect on the ability to carry out normal day-to-day activities. Therefore a chronic health condition may lead to eligibility under this definition.
- 3.18 If a parent chooses to send their child to a school other than the designated appropriate area school, then (apart from the provisions of the Education & Inspections Act 2006) free school transport is not normally provided and the parent is responsible for any travel costs.
- 3.19 The Education Transport Policy 2014 introduced "designated transport areas" which defined the designated transport area for a school.

## 4. Alternative Options

- 4.1 The Transport Policy must be determined annually for parents / carers applying for school places in the following year and for in-year requests in relation to any change in placement named in Section I of an Education, Health and Care Plan

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for the period of the policy. In relation to the arrangements proposed there are no alternatives proposed that differ from the arrangements for 2021-22.

## 5. Implications, Diversity Impact Assessment and Risk Management

### Financial and Procurement Implications

- 5.1 The transport budget is funded through Swindon Borough Councils core budget. In 2020/21 the annual budget for both transport and passenger assistant costs is £3,555,200. This excludes any Council based staff who process applications or arrange the transport.

### Legal and Human Rights Implications

- 5.2 The Council is required to comply with the statutory provisions referred to in the report. Legal and human rights implications have been considered in the preparation of this report. The recommendations are considered compatible with Convention Rights.

### Climate Change Impact

- 5.3 The proposals would not bring a change in service delivery and Officers believe that there is no expected effect on the Council's carbon footprint

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

- 5.4 The proposals for additional school places comply with Section 17 of the Crime and Disorder Act 1998 to develop school policy to maximise school attendance.

### Diversity Impact Assessment

- 5.5 A Diversity Impact Assessment was undertaken and a copy can be obtained from the report author.
- 5.6 The arrangements in the report are used for the purposes of assessment eligibility for travel assistance based on an individual assessment of a child or young person's special educational need or disability. The policy is based on published guidance from the Department for Education to ensure that they are arranged and operated in a clear, fair and transparent way according to a nationally imposed timescale.
- 5.7 It is considered that the arrangements set out in the policy do not discriminate against disability, ethnicity, religion, sexual orientation, marital/civil partnership status or pregnancy/maternity

# Special Educational Needs and Disability (SEND) Home to School Transport Policy 2021-22

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## Risk Management

- 5.8 The Special Education Needs and Disability Service are aware of all children and young people with an Education, Health and Care Plan. The Home to School Travel Policy has strengthened the measures in place for safeguarding children.

## **6. Consultees**

- 6.1 The Corporate Director of Finance and Assets (s151 officer) and Chief Legal Officer (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 Consultation responses are available upon request to the report author.

## **8. Appendices**

- 8.1 Appendix 1 – Special Educational Needs and Disability Home to School Transport Policy 2021-22

## **9. Key Decision/Decision in Cabinet Work Programme and Forward Plan**

- 9.1 This is a Key Decision and is included in the Cabinet Work Programme and Forward Plan for June 2020.