

Special Educational Needs and Disability (SEND) Home to School Transport Policy 2022 - 23

Cabinet

Date: 3rd March 2021

Author:	Cabinet Member for Children's Services Head of Statutory SEND
Wards:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To inform Cabinet of the outcome of the consultation and seek agreement to approve the Special Educational Needs and Disability Home to School Transport Policy for 2022-23.
- 1.2 This report relates to 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 Consider the responses to the consultation as set out at Appendix One as well as the proposed changes to the policy in consequence of this to provide more information around extended rights and eligibility for children and young people with Special Educational Needs and Disability who are in a low income group.
- 2.2 Approve the Special Educational Needs and Disability (SEND) Home to School Transport Policy for all applicants for 2022-23 summarised in the report and attached at Appendix Two.

3. Detail

- 3.1 The Special Educational Needs and Disability Home to School Transport Policy was consulted upon between 23rd November 2020 and 28th December 2020.
- 3.2 The Local Authority published the consultation on its website, through the SEND News Splash, the Children's Services News Letter, through internal SBC Officers and external stakeholders including the Clinical Commissioning Group. Swindon SEND Families Voice supported the consultation process and published this on their Social Media platform.
- 3.3 An initial focus group was held with Swindon SEND Families Voice in which comments and feedback about the 2021-22 policy were discussed.

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- 3.4 Survey responses could be made in writing, or by using the online survey tool. The Local Authority received a total of nine responses to the consultation, which are attached at Appendix One.
- 3.5 These responses led to further development to the policy, in order to address some developments of the policy and to ensure a consistent message throughout.
- 3.6 Improvement has been made to include information around extended rights and eligibility for children and young people with Special Educational Needs and Disability who are in a low income group.
- 3.7 The Education and Inspections Act 2006 provides extended rights for students from low income groups. Low income groups are identified as where a student is entitled to free school meals or where parents receive the maximum working tax credit. Entitled groups are as follows:
- 3.7.1 Students aged between 8 and 11 years old where the nearest school is beyond two miles
 - 3.7.2 Students aged between 11 and 16 who: attend one of the three closest Secondary Schools to their home address where their home to school distance is between 2 and 6 miles or, they are attending the nearest suitable school preferred on the grounds of religion or belief where they live more than two miles, but no more than 15 miles from the school.
- 3.8 Improvement has been made to include information regarding safe walking routes. Transport is assessed for a safe walking route using 'Assessment of Walked Routes to School Guidelines' published by Road Safety GB, which identifies hazards and the assessment of risk of walked routes to school.
- 3.9 In determining the entitlement to free travel assistance, the route used in assessing the distance is the shortest safest available walking route in accordance with National Road Safety Guidance.
- 3.9.1 For Primary School Aged students, travel assistance can be provided, on road safety grounds, if the journey to the designated appropriate school would involve the use of roads without footpaths or lighting.
 - 3.9.2 For Secondary School Aged Students, criteria is based on the expectation that parents will accompany their children to and from school where they consider it necessary. The criteria is as follows: There is no footway or students have to walk along a dual carriageway with a speed limit of 40mph or higher, and they have to cross a dual carriageway and there is no safe crossing point available.
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- 3.10 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 includes the following:
- 3.10.1 The child or young person must be attending the nearest appropriate school as determined by the Council
- 3.10.2 The child cannot reasonably be expected to walk to school
- 3.10.3 There is evidence that their medical condition, mobility issues or special educational needs affect their ability to travel to and from school
- 3.11 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.
- 3.12 As per Schedule 35 of the Education Act 1996, disability is defined in Section 6 of the Equalities Act 2010 as: a person has a disability if they (a) have a physical or mental impairment, and (b) that impairment has a substantial 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.
- 3.13 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.
- 3.14 The Education Transport Policy 2014 introduced 'designated transport areas' which defined the designated transport area for a school.
- 3.15 A full review of SEND Transport has recently been undertaken. The recommendations from this review will inform a detailed 'to be' process which will be underpinned by the Policy.
- 3.16 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.

4. Alternative Options

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

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the policy. In relation to the arrangements proposed, there are no alternatives proposed that differ from the arrangements for 2022-23.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 The transport budget is funded through Swindon Borough Council's core budget. In 2021/22 the annual budget for both transport and passenger assistant costs is £3,561,800. This excludes any Council based staff who process applications or arrange 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 is available from the report author.
- 5.6 The arrangements in the report are used for the purposes of assessment and 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, pregnancy/maternity or children looked after.

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Risk Management

- 5.8 The Special Educational 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 None.

8. Appendices

- 8.1 Appendix One - Consultation responses
- 8.2 Appendix Two – Special Educational Needs and Disability Home to School Transport Policy 2022-23

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 March 2021