

MUNICIPAL YEAR 2016/2017 - REPORT NO.

PORTFOLIO DECISION OF
Cllr Ayfer Orhan

REPORT OF: Director of Children's
Services

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Agenda - Part:	Item:
Subject: Updated Travel Assistance Policy for Children and Young People	
Wards: All Wards Key Decision No: N/A	
Cabinet Member consulted: Cllr Ayfer Orhan	

1. EXECUTIVE SUMMARY

- 1.1 The Council has a statutory duty to provide travel assistance for pupils who are deemed to be eligible, as set out in legislation and confirmed in government statutory guidance.
- 1.2 The current Transport Policy for Pupils with Special Educational Needs (SEN) was written in 2010 and therefore requires review. In particular it needs to take into account the changes introduced under the Special Educational Needs and Disability Code of Practice: 0 to 25 years, published in 2014 and updated Statutory Guidance also published in 2014
- 1.3 The updated Policy incorporates into one document the duty to publish an annual statement in respect of provision of travel assistance for eligible young people aged over 16;
- 1.4 In addition a revised Appeals Process has been produced which is in line with current government recommendations contained in the Guidance.
- 1.5 The revised Policy includes provision to regularly review all travel assistant allocations to ensure they remain valid.

2. RECOMMENDATIONS

It is recommended that the updated Policy and Appeals process is adopted with immediate effect.

3. BACKGROUND

- 3.1 Parents and carers are responsible for ensuring their child attends school regularly and on time and for accompanying them where it is reasonable for them to do so.
- 3.2 In some specific circumstances the local authority has a duty to make travel arrangements, as they consider necessary, for an eligible child or young person aged 5-16 to attend school, as set out in 3.4 below.
- 3.3 The local authority also has a duty to facilitate access to education for young people aged 16-19 and learners with learning difficulties and/or disabilities aged up to 25.
- 3.4 Eligibility for travel assistance may be agreed on the following grounds, as set out in legislation. However, none of these factors presupposes assistance will be provided as it will depend on individual circumstances and need. Legislation does not specify the form of travel assistance to be provided. Criteria to be considered for travel assistance are:
- the child/young person has Special Educational Needs
 - the distance from home to school is above the statutory guidelines
 - the route from home to the nearest suitable school is unsuitable or unsafe
 - the child/young person needs to be accompanied
 - the child/young person has a temporary medical condition
 - the child lives in a low income household
 - the child is of secondary school age, lives in a low income household and is attending a specific school on the grounds of religion or belief.
- In addition, for learners aged over 16 only there are additional criteria of:
- a qualifying provider
 - a suitable course
- 3.5 The Policy includes information on how to apply for travel assistance, how eligibility will be assessed and, if successful, how the form of assistance to be provided will be agreed. There is an accompanying Appeals Process which follows the government's recommended process.
- 3.6 The Policy introduces a new expectation that all agreed travel assistance packages will be reviewed on a regular basis to ensure the applicant remains eligible and that package provided is the most appropriate and cost effective.
- 3.7 The Council, through the School Improvement Service, also consider all appropriate learning solutions for young people aged over 16 prior to agreement for courses and this might include non-transport options to ensuring eligible young people have access to learning, for example access to e-learning options.

4. ALTERNATIVE OPTIONS CONSIDERED

The local authority has a duty to publish a Travel Assistance Policy. The current policy does not encompass the most recent legislative changes and requires updating. Therefore there are no alternative options to consider.

5 REASONS FOR RECOMMENDATIONS

- 5.1 The revisions to the Policy will ensure that Enfield is compliant with current statutory duties and that the criteria are clear for applicants.
- 5.2 The introduction of the requirement for a regular renewal will ensure that all existing travel assistance packages are reviewed.

6 COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

- 6.1.1 There are no direct financial implications arising from the implementation of the updated Policy as the changes introduced do not affect the number of potential applicants or their eligibility. However, it is anticipated that the greater clarity introduced into the new draft will support more rigour in the assessment and appeals process leading to reduced transport costs. It is not possible to identify or disaggregate the specific financial implications arising from this.
- 6.1.2 The Transport Budget for children and young people has a projected overspend, in line with that seen in previous years. Enfield has seen a growth in the population over recent years and there has been similar rise in the number of children and young people who require travel assistance. Over time, and in conjunction with other changes being introduced through introducing a Travel Brokerage Service and the review of the Person Transport Service, it is anticipated that savings will be generated. These will mostly be found through agreeing, where appropriate, more cost effective ways of providing travel assistance, such as independent travel training or Personal Budgets and ensuring directly provided transport is managed more effectively.

6.2 Legal Implications

- 6.2.1 The Council has a duty to provide travel assistance for eligible children and young people under section 508B Education Act 1996 ('the Act'), and under Schedule 35B of the Act. Section 508A of the Act requires local authorities to promote the sustainable use of travel and transport.

In addition there is statutory guidance on school transport – 'Home to School Travel and Transport Guidance' published in July 2014.

Section 509AA of the Act requires a local authority to prepare a policy statement for each academic year setting out the arrangements for transport necessary for it to make to facilitate the attendance of pupils of sixth form age at education or training, and the statutory guidance is 'Post-16 transport to education and training' published in February 2014.

The updated Policy refreshes the policy from 2010 and complies with the above legislation.

7 KEY RISKS

7.1 Legal challenge to the decision not to provide travel assistance

Provision of travel assistance is based on set criteria (see 3.4) and the personal circumstances and needs of the child/young person and their family. Applicants who are unsuccessful in their initial application for travel assistance or whose existing provision is removed following review, may challenge the Council's decision.

Mitigation

The updated Policy is more explicit in setting out the criteria upon which travel assistance may be provided to ensure that applicants are better informed before they make application.

If an application is refused the updated Appeals process provides for a two stage review, both at Senior Officer and Independent Appeal Panel stages. The model is in line with government recommendations and expectations. If the applicant is still dissatisfied the option remains for an applicant to pursue this further by appealing to the Local Government Ombudsman or go to Judicial Review.

If resources allow unsuccessful applicants may still seek advice from the Travel Brokers to support them to get their child to school. This would not include provision of transport.

7.2 Legal challenge to the content of the Policy

A complaint may be made to the Secretary of State on the legality of the provisions within the Policy.

Mitigation

Legal Counsel advice has been sought on the content of the draft Policy which has confirmed it meets the necessary statutory requirements.

8 IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

The updated Policy draws on the most recent guidance and practice to ensure that the assessment of eligibility and any subsequent provision of travel assistance are assessed in a fair and equitable way for all Enfield residents.

8.2 Growth and Sustainability

The updated Policy will have no specific impact on growth or sustainability. However, it includes the provision to regularly review existing travel assistance arrangements. It is anticipated the reviews will reduce journeys through better routing and provision of more independent travel training, where it is considered appropriate increasing sustainability. However, the provision Personal Travel Budgets to enable parents to take children to school, as opposed to directly provided transport through fleet services, may increase the volume of journeys.

8.3 Strong Communities

Consultation on the draft Policy was carried out as part of its development. This specifically involved engagement with those already receiving travel assistance, in the main parents of children with special educational needs or disabilities. This work was facilitated by the "Our Voice" a parent-led organisation, working with parents and carers, the statutory and voluntary sectors, to improve services for children and young people with disabilities or special educational needs in Enfield. Parents and carers have been instrumental in shaping the updated Policy and are continuing to work with the Council in coproducing accompanying Operational Guidelines and Frequently Asked Questions.

9 EQUALITIES IMPACT IMPLICATIONS

The revisions to the Policy do not specifically impact on equalities. A consultation exercise on the draft Policy was carried out to gain views on the proposed changes. Comments received have led to changes being incorporated in the final draft. Consultation has included:

- on-line consultation resulted in over 50 written responses
- around 60 parents of children with disabilities attended an evening event to share their thoughts.
- Members of Our Voice, a local charity for parents of children with disabilities, have worked with officer to develop the final draft

10. PUBLIC HEALTH IMPLICATIONS

The updated Policy has no direct implications for Public Health. However, following approval and implementation of the Policy the work of the Travel Brokers is likely to include initiatives to promote independence and more active lifestyles, where appropriate, including Independent Travel Training and walking buses.

Background Papers

Travel Assistance Policy – September 2016

Home to School/College Transport Policy for Children and Young People with Special Educational Needs - 2010

Travel Assistance Policy Appeals Process