

## **Committee: Cabinet**

**Date: 21 March 2022**

Agenda item:

Wards: **All**

## **Subject: Home to School Travel Consultation**

Lead officer: Jane McSherry, Director of Children, Schools and Families

Lead Member: Eleanor Stringer, Deputy Leader and Cabinet Member for Children and Education

Contact officer: Tom Procter, Head of Contracts and School Organisation

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### **Recommendations:**

- A. To note the responses and officers' analysis from the consultation on home to school travel that ran from 23 November 2021 to 5 January 2022 and agree to the following changes to home to school travel arrangements:
  - B. To increase investment in travel training by £50,000 per year to support opportunities for the independence and well-being of the young person to travel to school/college independently rather than using supported travel from the age 11 where it is appropriate
  - C. For officers to improve the offer of travel budgets (PTABs), by implementing a more transparent policy, making it easier for families to receive financial recompense and increasing their promotion. This will both improve the take up of this option by parents and the ease of its use, while also being more efficient for the Council
  - D. In addition to continuing to meet our statutory requirements for home to school travel for statutory school age children, to continue to support families with children of pre-school age and post 16 students with the most significant needs where it is essential to get their child to school, especially for those with severe and profound learning difficulties
  - E. Not to introduce charging for receiving travel assistance.
  - F. Travel support for post-16 students to in the future be predominantly through independent forms of travel assistance, such as travel training and travel budgets, where this is possible. Organised transport only for those unable to use independent forms of travel or where their educational placement agreed in their EHCP is too far away to be reached independently.
  - G. Officers to continue work to ensure best value for money in providing travel assistance to children, including ensuring the most cost-effective means to procure the taxi market, efficient utilisation of the in-house buses and procured taxis, and more formal reviews with schools to ensure we meet the needs of children as effectively as possible including identifying children who could be supported towards more independent travel.
  - H. For officers in Community and Housing Department, working with Children, Schools and Families, to update their policies in relation to post-19 home to college travel on the basis of the same strategy as above
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- I. To delegate the Director of Children, Schools and Families, in consultation with the Deputy Leader and Cabinet Member for Children and Education, and the Director of Community and Housing in relation to the travel assistance policy for post-19 students, amendments to policy documents in line with the above for supported travel from September 2022.
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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. This report provides the findings of the consultation on home to school travel that ran from 23 November 2021 to 5 January 2022 and in the light of this recommends changes that will ensure the council continues to support children with special education needs and disabilities who require support, but to encourage more independent means of travel where this is possible.
- 1.2. The aim of the consultation was to examine and update our policies and practices, which had not been formally reviewed for some years, to ensure they are appropriate and clear. The consultation did not cover how school transport is commissioned, though it provided some useful customer feedback. This is part of a council wide review into all aspects of travel and transport support for residents.
- 1.3. There were two main aspects to the consultation. First, what do people think of more 'inclusive' forms of home to school travel for young people with special educational needs - Independent Travel Training and Personal Travel Assistance Budgets (PTABs). Second, what do people think of the 'discretionary' policies, where the Council has the choice to provide travel assistance or makes its own decision as to what travel assistance is necessary. The discretionary policy applies to children of pre-school age (under 5) who have special educational needs; students of sixth form age (16-19) who have special educational needs or who are 'vulnerable learners' and adult learners with Education, Health and Care plans (aged 19 to 25).
- 1.4. The consultation took the form of a consultation paper (see Appendix 1), an on-line questionnaire, two webinar events with the parents' group Kids First, and meetings with staff and students at three schools in Merton with specialist provision. There were 155 responses to the questionnaire, most of whom were parents of children with special educational needs.
- 1.5. In brief, the consultation found that there was scope and support to increase travel training to encourage more independence while a high number of respondents did not know of, or understand, how PTABs worked. Most consultees were extremely concerned that possible reductions in the discretionary areas of the home to school travel offer could affect young people with special educational needs and disabilities' ability to access school or college places.
- 1.6. In response to the consultation it is proposed to bring forward a package of measures as per the recommendations above. These are designed to encourage more independent forms of travel, especially through more investment in travel training and working more formally with schools, thereby ensuring the council continues to provide travel support when it is needed.
- 1.7. The analysis of the consultation and draft officer recommendations were discussed in two special consultation meetings with parents organised by

Kids First on 24 February 2022. Following this, the Kids First Steering Group provided a written response to the council which is summarised in paragraphs 4.4 to 4.6 of this report.

## 2 DETAILS

### Background

- 2.1. As of October 2021 (the time of a review at the start of the consultation) Merton Council provided home to school travel assistance for 731 children. 676 pupils with special educational needs received organised transport, 202 on council operated buses, and 474 on a mixture of private hire taxis and minibuses. A further 55 families receive a personal travel allowance budget. The council organises transports to 121 different schools, and more sites as some schools have more than one site. The total spend is forecast to be £6.84 million this year.
- 2.2. The council's general home to school travel policy allows circumstances to agree travel support for children without SEND, but in reality this is rarely or never given as free bus travel is available to the age of 18 on 1 September.
- 2.3. A summary of the schools we provide transport to is summarised below:

| In borough  | Taxi hire  | Bus        | Total      |
|---|------------|------------|------------|
| Perseid School  | 17         | 70         | 87         |
| Cricket Green   | 19         | 63         | 82         |
| Melrose School  | 5          |            | 5          |
| Blossom House   | 9          | 10         | 19         |
| Stanford Primary (Additional Resourced Provision - ARP) | 8          | 10         | 18         |
| Eagle House School - Mitcham                            | 7          | 7          | 14         |
| Raynes Park High School (ARP)                           | 5          | 8          | 13         |
| Harris Primary Academy Merton (ARP)                     | 1          | 9          | 10         |
| West Wimbledon Primary Treetops (ARP)                   | 2          | 7          | 9          |
| 16 further schools with 8 or less pupils                | 45         | 0          | 45         |
| <b>Total 25 in-borough schools</b>                      | <b>118</b> | <b>184</b> | <b>302</b> |

| Out of borough                       | Taxi hire | Bus | Total |
|--------------------------------------|-----------|-----|-------|
| Cressey College, various sites       | 27        | 0   | 27    |
| Eagle House School/6th form - Sutton | 23        | 0   | 23    |
| Carew Academy                        | 11        | 9   | 20    |
| Brookways School                     | 10        | 9   | 19    |
| NESCOT College                       | 16        | 0   | 16    |
| Merrywood House School Sandmartin    | 14        | 0   | 14    |
| Roehampton Gate                      | 14        | 0   | 14    |

|   |            |            |            |
|---|------------|------------|------------|
| Nightingale Community Academy               | 13         | 0          | 13         |
| Garratt Park School                         | 12         | 0          | 12         |
| Canbury School                              | 11         | 0          | 11         |
| Chelsea Group of Children                   | 11         | 0          | 11         |
| St Philips School                           | 11         | 0          | 11         |
| 84 further schools with less than 10 pupils | 183        | 0          | 183        |
| <b>Total 96 out of borough schools</b>      | <b>351</b> | <b>18</b>  | <b>369</b> |
|   |            |            |            |
| <b>Total for all 121 schools</b>            | <b>474</b> | <b>202</b> | <b>676</b> |

2.4. While some children will always need to travel to some specialist provision outside the borough, some of Merton's dependence on more expensive out of borough provision is being managed as part of the High Needs Safety Valve project to provide more in-borough provision, above the expansions already in progress such as Whatley Avenue.

2.5. Officers are also managing the efficiency of its commissioning through a Travel Assistance Board with representatives from all council departments to look at all aspects of travel assistance provided to residents. This group oversees ways of improving efficiency and effectiveness in this area, including commissioning arrangements and procurement, and the organisation of routes.

### **Consultation**

2.6. While ensuring efficient commissioning, it is therefore important to examine and update our policies and practices, which had not been formally reviewed for some years, to ensure they are appropriate and clear for families. Cabinet therefore agreed to consult on the council's home to school travel arrangements at their meeting on 8 November 2021. It took the form of an on-line questionnaire and meetings with parents, school staff and pupils. Appendix 1 to this report provides the public consultation paper and Appendix 2 a detailed analysis of the consultation findings. A summary follows:

### **Independent Travel Training**

2.7. The Council has a contract with Merton Mencap to provide independent travel training (ITT) for young people in the borough for whom it is appropriate. ITT is a programme of training the young person to enable use of public transport as an alternative to council organised transport such as minibuses and taxis.

2.8. Half of the respondents were aware that Merton offered independent travel training; half were not.

2.9. The top three benefits of independent travel training for young people were:

- Increased self-esteem and self-confidence 70%
- Reduced reliance on family/friends to assist with travel needs 48%
- Increased opportunities to use public transport out of school hours 37%

2.10. The top three barriers to take up of independent travel training were:

- Limited awareness of danger or unable to keep safe 57%
- Wouldn't be able to manage situations that aren't planned or are out of routine 56%
- Risk of getting lost or missing stop 36%

2.11. 66% of people agreed/strongly agreed that young people should be encouraged to undertake the training if they had the potential.

2.12. The young people that officers met in schools who had completed travel training were often quite proud that they managed journeys to and from school:

"I'm so happy to be independent because it is an amazing experience."

E & M – travel together to Morden on the 201 or 118. (What was it like at first?). "A bit scary. But it's not scary now. There's a bit of a walk. But everything is ok... Just ignore them if someone says something... Talk to the bus driver".

### **Personal Travel Assistance Budgets**

2.13. The Council has a scheme in which it pays families a sum of money to take their children to and from school themselves. This is currently a payment of 52 pence per mile for two return journeys a day. Consultees were asked if they were aware of Merton's Personal Travel Assistance budgets (PTAB) scheme. The answers were:

- Yes (they were aware) 44%
- No (they were not aware) 46%
- Not sure 10%.

2.14. The top three perceived benefits of travel budgets were:

- Greater control over travel arrangements 50%
- Flexibility to allow access to after school activities 47%
- Shorter journey times for child or young person to school/college 40%

2.15. The top three perceived barriers to take up of travel budgets were:

- Value of PTAB is too low 57%
- Family unable to identify and make a suitable travel arrangement 50%
- Family/young person work commitments 38%

2.16. More people (59%) disagreed than agreed (26%) with the statement that 'the Council should encourage more young people and families to use a Personal Travel Assistance budget'.

2.17. A number of respondents commented on the complexity of the current system:

"..the system of providing receipts is too complex. An assessment of cost and then a lump sum per term would be much better. Slight overpayment is worth it in order to make admin easier for everyone".

### **Discretionary travel policies**

2.18. The second part of the questionnaire asked about people's views of proposals to reduce home to school travel to the 'statutory minimum' or make changes to the way in which it was currently provided. Travel assistance to children or young people who are outside the age band of 5-16 years is known as discretionary provision. For under 5s the council has a choice whether or not to provide it and for over 16s it is for the council to decide what it is necessary to provide.

*Travel support for children of pre-school age with special educational needs:*

2.19. The Council currently provides travel assistances to a small number of children with special educational needs who are under the age of 5 attending nursery provision. Views were sought on 3 options – continue to provide free travel assistance for this group of children; cease to provide it, other than in exceptional circumstances; or, continue to provide it while seeking a financial contribution towards the cost of transport from parents/carers.

2.20. In response to the statement that the Council should cease to provide pre-school SEND travel support:

- 78% disagreed/strongly disagreed
- 16% agreed/strongly agreed
- 5% don't know.

2.21. In response to the statement that the Council should continue to provide pre-school SEND travel support, though seek a financial contribution:

- 52% disagreed/strongly disagreed
- 37% agreed/strongly agreed
- 10% don't know.

2.22. A number of comments were made along the lines of it being vital support for a small number of children with high special educational needs:

"Early intervention is key for a lot of children with disabilities meaning it can be vital to access specialist education early on. Having transport for pre-school age children is also vital for the children to be able to access specialist education and to stop them being disadvantaged compared to their peers who have more flexibility on the settings they can choose to access".

"From past experience, we as a family found it difficult and challenging when there was no provision. Once we received the provision, that put our minds at rest that a trained escort was with our child and they could make their journey safely to their special needs nursery".

*Travel support for vulnerable or low income learners aged 16-18*

2.23. This is support for students aged 16 or over from low income families or who are 'vulnerable learners', such as care leavers, and provides largely financial support for additional costs of travel to college or other placements. The current policy allows additional support beyond the assistance provided by Transport for London (TfL). However, so far, no students have been supported this academic year and no students were supported last academic year, principally because the free TfL fee bus and tram service is so comprehensive.

2.24. There were two options. Respondents were asked should the policy continue to support this group:

- 79% agreed/strongly agreed that it should continue

- 12% disagreed/strongly disagreed that it should continue
- 9% don't know.

2.25. A number of respondents said they were unaware of the existence of this policy and that it was not clear what it meant. In the view of some, policies like this were a lifeline for vulnerable young people. They should be publicised. That nothing was being spent at the moment was not a reason for taking it away:

"Education and attendance at safe places for learning is crucial for this age group. There should not be any financial barriers to attendance or additional impact on a family where this does not occur amongst the young person's peer group".

*Travel support for students with Special Educational Needs and Disabilities aged 16-18 years*

2.26. These are students aged 16-19 years with Education, Health and Care plans who attend an approved course of study. More than 70 students a year receive travel assistance at a cost of over £1 million. There were four options in the consultation:

Option 1- continue to provide support as it is now

- 96% agreed/strongly agreed
- 3% disagreed/strongly disagreed
- 1% don't know

Option 2- cease to provide other than in exceptional circumstances:

- 15% agreed/strongly agreed
- 84% disagreed
- 1% don't know

Option 3- continue to provide though seek a financial contribution

- 33% agreed/strongly agreed
- 59% disagreed/strongly disagreed
- 7% don't know

Option 4 – continue to provide, but only for those with the most severe or complex SEND

- 40% agreed/strongly agreed
- 56% disagreed/strongly disagreed
- 4% don't know.

2.27. Respondents were then asked to rank the options in order of preference, with option number 1 as their first choice, option number 2 as their second and so on.

2.28. The result seemed to show that limiting provision to those with the most severe or complex special educational needs is somewhat more acceptable than seeking financial contributions.

2.29. In terms of the options put forward for consultation, points were made that:

- 2.30. On charging – “Disabled 16-18s should be able to access the same opportunities their peers have. If a non-disabled 16-18 still gets free travel then so should a disabled person. Until London's transport system is accessible to all, 16-18s should have this vital service”.
- 2.31. On restricting it to those with the ‘most severe’ needs- “Who will be the arbiter of what is considered 'severe' and 'complex'? Does transport have that expertise? You will end up spending as much time and money defending your decisions and ending up in appeal processes/challenges as you will save in cutting this provision. Please do not cut provision for young people who are not able to fight these proposals due to their social circumstances and vulnerabilities. If you plan to proceed then you must do a thorough impact assessment, which is publicly available, and be comfortable with the unintended consequences for young people who - if they are on your books - already grapple with life's challenges more than most.”
- 2.32. There was a limited amount of support for the idea of encouraging more independent forms of travel for this group, such as travel training and travel budgets. There were a few respondents accepting the idea of charging, though others noted that it would be a burden on families and would, as suggested in the consultation paper, raise only £55,000 for the Council.

#### Adult learners

- 2.33. These are students with Education, Health and Care plans (EHCPs) who start a course of study following their 19th birthday. Local authorities have a duty to make transport arrangements that they think are necessary for students with EHCPs in residential education or attending further education colleges. The current post 16 travel policy statement refers applicants to Adult Services.
- 2.34. Two options were put forward in the consultation:
- Option 1- continue to provide support as it is now:
- 84% agreed/strongly agreed
  - 7% disagreed/strongly disagreed
  - 4% don't know
- Option 2- cease to provide support:
- 10% agreed/strongly agreed
  - 83% disagreed
  - 6% don't know
- 2.35. In consultation meetings, some people were unaware of this part of the Council's travel offer and said it should be publicised. Comments were made in the questionnaire about the role of travel assistance in enabling access to educational places. Young adults should not miss out on further education just because they have a disability. Equalities issues were raised:
- “It is really important that disabled adults are not prevented from participating in further education because they cannot get to and from the college/university of their choice. It's highly discriminatory and not in line with the DDA”.
- 2.36. A number of comments were made to the effect that continuing education had a positive impact on their lives - the question was raised, why make it unviable for them by stopping transport?
- “Travel assistance is very much appreciated and in my own case has been essential to my continued employment. Removing this service would be very detrimental to many families' economic and mental wellbeing.”

### **General comments in the consultation**

- 2.37. Twenty-nine respondents took the opportunity to use the open comments box at the end of the consultation and there were other comments during the engagement meetings and in responding by email. This is all summarised in Appendix 2. This showed the importance to many families of providing home to school transport in order to access education, especially when accessing provision some distance away. There were a number of comments regarding transport needing to be provided as there was not sufficient local provision. Further increasing the availability of places in local schools for children with special educational needs is one of the key strands of the council's High Needs safety valve recovery plan.
- 2.38. Merton Liberal Democrats provided a detailed response including suggesting the better focus would surely be ensuring local provision of appropriate support first, which would have as a consequence the saving of money on transport. They outlined that the consultation should focus on what is best valued by users, expressing a fear that the primary motivation behind the consultation is to cut costs. They outlined that from speaking to some users and potential users of organised transport services, their parents/carers, and colleagues in other authorities, that independent travel training and personal travel budgets work well for some.
- 2.39. Merton Liberal Democrats suggested that any change in policy in this area should consider how it both identifies and supports those who struggle with these changes. They stated that they are unsure why anyone would positively champion the cutting of services and cutting services and funding is a choice about priorities. Lastly they noted that the identified proposals for parental contributions do not seem worth pursuing – comprising the recovery of only a small amount of the budget from groups that, broadly, tend to have lower incomes and higher costs.

## **3 ALTERNATIVE OPTIONS**

### **Issues for consideration**

- 3.1. In this section, we look at possible ways forward for each of the areas of travel policy in the light of the consultation.

#### **Independent Travel Training**

- 3.2. Half of respondents were aware that Merton offered independent travel training (ITT). There were a lot of written comments on this topic and many were positive about the benefits. Others comments were that ITT is not right for all young people; that it should be properly assessed; and that the distance of some school placements make travelling by public transport all but impossible.
- 3.3. Travel training can be genuinely life-changing. Focus group session with parents and with young people in particular highlighted the benefits. Though there have been understandable delays because of Covid, there were reports of young people being on a waiting list for a long time for travel training, and two of the schools could identify a number of children currently

transported by Merton that they felt could be ready for independent travel with the correct support.

- 3.4. There is little if any information on the Council's website about ITT and how to access it although it is advertised by our provider Mencap. The focus group sessions demonstrated that the lower age threshold to be eligible for ITT (14 years) is too high. Some young people could be supported from the age of 11 once settled in secondary age provision or from when the time is right, especially if identified through the annual review of an Education Health and Care plan. There is a risk of those young people being left without the opportunity to grow in independence, on much more expensive organised transport. That suggests the need for a better process for putting young people forward for travel training, by working closely with schools, the need for better information to parents on what ITT is and how to access it. Currently the council commissions travel training that allows about 20 children and young people to be travel trained.
- 3.5. Evidence from the consultation, especially with schools, suggests that this could be at least doubled to provide for 40 children and young people per year as demand is more proactively assessed.
- 3.6. The current average cost of travel training is around £2,500 per student. That compares with an average cost of a place on a bus or taxi of £9,000 a year. In addition to the benefits of improving independence and well-being for children and young people, potentially from the age of 11, there is therefore also a financial case that it will reduce costs for supported transport.

#### **Personal Travel Assistance Budgets (PTABs)**

- 3.7. The number of families with PTABs has declined over the past two years from well over 70 to now just over 50, even though the travel policy states it as one of the Council's principal offers of travel. Merton's scheme forms part of a wider direct payments scheme. It allows for taxis and personal assistants as well as mileage re-imbursements. That is different to most other authorities.
- 3.8. Fewer than half of respondents were aware of its existence - again, it is not well advertised. Of those who were aware, the main constraint is that the value is seen as too low. In focus groups as well, the Merton scheme was felt to be too complicated and that it was over-policed by the LA. There are suggestions for a simpler system based on mileage with payments made in advance into bank accounts, like those that are prevalent in other authorities.
- 3.9. PTABs can halve the costs of organised transport and provide more flexibility to families, depending on the mode of transport. For applicants who have children aged 5-16 years (statutory school age) who are entitled to free home to school travel assistance, the local authority must consult with them and the take up of a PTAB is entirely voluntary. For post 16 applicants in some authorities, both ITT and PTABs may be the only offer of travel assistance for those who qualify.
- 3.10. It is therefore suggested that the council improves the use of travel budgets (PTABs) as an option that can be more flexible for parents and be a lower

cost to the council by implementing a more transparent policy, make it easier for families to receive financial recompense and increase their promotion. This will include reviewing the mileage rates currently offered to ensure they are fit for purpose.

#### **Pre-school SEND travel support**

- 3.11. As with all discretionary areas, most people were against the idea of ceasing to provide travel assistance for pre-school age children with SEND.
- 3.12. There was some support (or, rather, a less negative response) for charging or seeking parental contributions. Points made however were that only a small number of pre-school aged children and their families were supported with travel and that the children were very likely to have significant special educational needs. Removing travel assistance could threaten their access to a nursery school or assessment place.
- 3.13. The Council's practice has been to support only a small number of families whereby travel assistance is essential to access a nursery place, which is consistent with the consultation findings. However, this practice is not clear from the current policy document so should be clarified when the existing suite of policies is revised and updated.

#### **Travel support for vulnerable or low income learners aged 16-18**

- 3.14. Nothing has been spent on this category in the current and previous academic year as children can access courses with the free TfL (Transport for London) bus travel. However, there is a sense of needing to keep this in place as a safety net for these groups of young people.
- 3.15. The policy itself may need to be brought into line with the similar policy on supporting students aged 16-18 years with special educational needs and disabilities.

#### **Travel support for students with Special Educational Needs and Disabilities aged 16-18 years**

- 3.16. This is the biggest area of discretionary spend and one where there are a number of choices. Clearly, one is to remove provision all together other than in 'exceptional circumstances' such as where there are safeguarding issues, or where the student has no other means of accessing education. Points to consider when looking at the options in the consultation include:  
*Charging/parental contributions*
- 3.17. Nearly all local authorities in the south east outside London have some level of charging in place for students with SEND who are on organised transport. This is usually halved, or at least reduced, for students from low income families. For example in Surrey it is £760 a year, reduced to £551 for students from low income families.
- 3.18. However, few London boroughs charge for transport. One example is Bexley who charge £400 a year for all students
- 3.19. If charging was introduced at a similar rate, the estimate is that charging for post 16 in Merton would raise around £55,000, compared with a spend of over £1 million a year.

3.20. As identified by some respondents to the consultation, there is an equity issue in London as there is free TfL bus travel which allows children and young people to make most journeys to their post-16 provision within the London area. Therefore charging young people that cannot access their nearest suitable course due to their special educational needs and disabilities can be considered inequitable.

*Restricting travel support to those with the most significant need*

3.21. Questions were raised in the consultation as to how was 'most severe' or the 'most significant' need defined and the consequent risk of discrimination.

3.22. Also, one Merton special school reported that another London borough had pursued a similar policy recently – and their experience was that two of their students were no longer attending their sixth form as transport had been withdrawn.

3.23. Merton's current policy is formally to offer more independent modes of travel first, with, in theory, organised transport in only a small number of cases.

*Choice of course*

3.24. The key cost driver of home to school transport is decisions on placements. A principle for pupils of statutory school age is that free home to school travel is provided for eligible children to the nearest suitable school that has a vacancy. Merton's current post 16 policies seems to imply something similar.

3.25. However in reality post- 16 students are going to a quite wide range of college destinations outside the borough including outside the London network of free TfL buses. When choosing to attend a post-16 course outside the TfL bus network, e.g. to Surrey, most families would need to pay for the train fare and so there is a logic that the same should apply to children with an Education, Health and Care Plan. There is a need to better understand the course offers of each of the regional providers before awarding transport. Those students going to a mainstream college course post- 16 are more likely to be able to travel independently than those who stay on in their special school's sixth form.

*Policy framework*

3.26. Our analysis suggests that some children and young people who are currently receiving organised transport could be able to travel independently, especially with travel training support, and if there is more scope for facilitating course options that are more accessible by public transport. Any change in policy should be linked to an improved travel training offer to ensure that children and young people can continue to access courses.

3.27. The assessment criteria could ensure that any form of travel support is only provided when the student is attending the nearest suitable provision and support is essential to access the course. It should be a requirement that post 16 students must apply and be re-assessed for transport on transition from compulsory school age education whether or not their school or college setting changes.

3.28. That may suggest a policy for post 16 age with SEND that emphasises the more independent modes of travel – travel training, re-imburement of fares

and personal travel budgets. Organised transport – a place on a minibus or in a taxi - would tend to be awarded where there is no other means of being able to access the nearest suitable place of study.

- 3.29. It is recognised that learners with severe and profound learning difficulties will continue to require assistance for home to school/college travel and the intention is to look in more detail at how a revised policy is best worded.

#### **Adult learners post 19**

- 3.30. A more transparent policy in this area and joint work with Adult Services are both needed to produce a co-ordinated policy statement and travel offer.
- 3.31. Following discussion between officers in Children, Schools and Families and Community and Housing Departments it is suggested that the potential post 16 model of support for students could apply. Only where the local authority thinks it “necessary” (in accordance with the statutory duty), would it provide organised transport. If it does not think that is necessary to provide transport to facilitate the learner’s attendance at college, then the local authority is free to provide other forms of support, such a re-imburements or travel budgets
- 3.32. This report therefore recommends that officers in Community and Housing Department, working with Children, Schools and Families, update their policies in relation to post-19 home to college travel on the basis of the same strategy.

#### **Other issues**

- 3.33. Other issues brought up in the consultation included:
- 3.34. Pick up points: these are where children get to a collection point before getting on the bus. A number of these were introduced along the routes into Cricket Green School before the pandemic. There was some feedback from parents that this was a positive experience and officers were asked about progress. The pick-up points initiative will therefore be reviewed and possibly expanded.
- 3.35. Travel Assistants: Some people felt that it was not clear when and how travel assistants – who accompany some children on their journeys to and from school - were allocated. It was agreed that this would be included in the review of the home to school travel policies.
- 3.36. Implementation: If changes to discretionary policies are made, they would come into effect from the beginning of the autumn term 2022. Possible changes to policy would only apply to new applicants not current passengers. However, for individual pupils or students, the council can review travel needs at any time, to encourage travel training as the young person matures, for instance.

## **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. Cabinet agreed to consult on the council’s home to school travel arrangements at their meeting on 8 November 2021. The consultation took the form of a consultation paper (see Appendix 1), an on-line questionnaire, two webinar events with the parents’ group Kids First, and meetings with staff and students at three schools in Merton with specialist provision. There

were 155 responses to the questionnaire, most of whom were parents of children with special educational needs.

- 4.2. A full analysis of the consultation was carried out (see Appendix 2). This was presented to Children and Young People Overview and Scrutiny Panel on 9 February 2022  
<https://democracy.merton.gov.uk/ieListDocuments.aspx?CId=153&MId=4009&Ver=4>
- 4.3. The analysis of the consultation and draft officer recommendations were also discussed in two special consultation meetings with parents organised by Kids First on 24 February 2022 and following these meetings they provided a response, which is provided as Appendix 4 to this report.
- 4.4. In summary the Kids First Steering Group were appreciative of the engagement of Merton Council officers and the attendance at meetings to provide clarity to questions.
- 4.5. Going forward, the Kids First Steering Group still have concerns that changes to SEN Transport policies may impact the access to education or wellbeing of children and young people in Merton and their families, and there had been concerns that the primary motivation behind the consultation is to cut costs and that Independent Travel Training and Personal Travel Budgets, rather than organised transport, would be forced on families when it works well for some but not others. Kids First were appreciative of the reassurance from council officers to parent and carers that this was not the case, acknowledging that this type of support is not for everyone, and emphasising that in all cases the local authority must liaise with children and young people and their families about the right travel support for them on a case-by-case basis.
- 4.6. There was also a request for a clear and unambiguous guidance and support for both SEN Transport (for children and young people under 19) and also in Adult Social Care (ages 19-25) where the transport protocols are less clear for young people with EHCPs, and this is one of the recommendations in this report.

## **5 TIMETABLE**

- 5.1. Subject to agreement to the recommendations in this report it is intended that policy changes for new applicants would take effect from the beginning of the autumn term, September 2022.

## **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. The forecast expenditure for home to school/college travel assistance (Period 10) is £6.759 million, excluding staff administration costs. This is £305,770 more than the budget. Presently at least 60 more children are transported compared to summer 2021, though this additional cost has been tempered this year by increasing the utilisation rate of the buses.

|                      | £         |
|----------------------|-----------|
| In house buses (SLA) | 1,779,730 |

|                 |                  |
|-----------------|------------------|
| Taxis           | 4,704,910        |
| Direct payments | 320,660          |
| System fees     | 33,000           |
| <b>Total</b>    | <b>6,838,300</b> |

- 6.2. Budget Council approved savings of £50,000 in 2020/21 and £150,000 in 2021/22 for the following: “SEND Travel assistance - to review eligibility for SEND home to school/college travel assistance, in particular for post-16 students, subject to recommendations from the appointed consultant on home to school transport efficiencies”
- 6.3. The current average cost of travel training is around £2,500 per student. That compares with an average cost of a place on a bus or taxi of £9,000 a year. Therefore the recommendation to invest an additional £50,000 from the Home to School Transport budget for Travel Training is expected to be at least cost neutral within the first 12 months and could result in some savings moving forward with the expected independence resulting from this change of policy.

## **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. Under section 508B of the Education Act 1996 local authorities have a duty to ensure that suitable travel arrangements are made, where necessary, to facilitate attendance at school for eligible children. Schedule 35B of the Act defines eligible children – those categories of children of compulsory school age (5-16) in an authority’s area for whom free travel arrangements will be required. These include children living more than the statutory walking distance from the nearest suitable school and children who cannot reasonably be expected to walk to school (accompanied as necessary) due to SEN or disability or mobility problems or due to the nature of the route to school. There is a power to make travel arrangements for other children under section 508C of the Act. The authority is required to have regard to the statutory guidance in relation to the discharge of its functions under sections 508B and 508C.
- 7.2. In relation to policy changes paragraphs 51-53 of the statutory guidance says the following:

### Publication of general arrangements and policies

51. Local authorities must publish general arrangements and policies in respect of home to school travel and transport for children of compulsory school age. This information should be clear, easy to understand and provide full information on the travel and transport arrangements. It should explain both statutory transport provision, and that provided on a discretionary basis. It should also set out clearly how parents can hold local authorities to account through their appeals processes. Local authorities should ideally integrate their Sustainable Modes of School Travel strategies into these policy statements, and publish them together.

### Policy Changes

52. Local authorities should consult widely on any proposed changes to their local policies on school travel arrangements with all interested parties.

Consultations should last for at least 28 working days during term time. This period should be extended to take account of any school holidays that may occur during the period of consultation.

53. Good practice suggests that the introduction of any such changes should be phased-in so that children who start under one set of transport arrangements continue to benefit from them until they either conclude their education at that school or choose to move to another school. Parents make school choices based on, amongst other things, the home to school transport arrangements for a particular school, and any changes might impact adversely on individual family budgets.

7.3. In relation to children not of compulsory school age, Section 508C of the Act provides local authorities with discretionary powers to go beyond their statutory duties and provide transport for children who are not entitled to free transport. Paragraphs 36 and 37 of the statutory guidance says:

36. Charges can be made, or, as stated in Subsection (5) of 508C local authorities may also pay all or part of the reasonable travel expenses of children who have not had travel arrangements made either under the statutory duty placed on local authorities, or under their discretionary powers to make travel arrangements. Where charges are imposed, good practice suggests that children from low income groups (those not eligible for extended rights, either due to being just outside financial eligibility or live outside of the distance criteria and therefore not in receipt of free travel) should be exempt.

37. It is very much for the individual local authority to decide whether and how to apply this discretion as they are best placed to determine local needs and circumstances. It is recognised that local authorities will need to balance the demands for a broad range of discretionary travel against their budget priorities. While the department offers guidance, the final decision on any discretionary travel arrangements must rest with the individual local authority who should engage with parents and clearly communicate what support they can expect from the local authority.

7.4. For students of sixth form age, section 509AA of the 1996 Act requires a local authority to prepare, for each academic year, a transport policy statement that specifies the arrangements for the provision of transport or otherwise that the authority considers it necessary to make for facilitating the attendance of persons of sixth form age receiving education or training at relevant institutions. In considering what arrangements it is necessary to make for students with SEN or disability the local authority is required to have regard (amongst other things) to

(a) the needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made,

(b) the need to secure that persons in their area have reasonable opportunities to choose between different establishments at which education or training is provided,

[(ba) what they are required to do under section 15ZA (1) in relation to persons of sixth form age,]

- (c) the [distances, and journey times, between] the homes of persons of sixth form age in their area [and establishments] such as are mentioned in section 509AA(2) at which education or training suitable to their needs is provided, and
- (d) the cost of transport to the establishments in question and of any alternative means of facilitating the attendance of persons receiving education or training there.
- 7.5. The authority must consult stakeholders in developing the policy statement.
- 7.6. Local authorities also have a duty to make such transport arrangements as are necessary for students aged 19 to 25 with EHCPs in residential education or attending further education colleges and must publish an annual policy statement (sections 508F and 508G of the Education Act 1996)
- 7.7. Statutory guidance is given in 'Post-16 transport and travel support to education and training' published in January 2019. This advises that:
- In assessing what transport arrangements or financial support may be required, the local authority has flexibility over the decisions it makes but must have regard to the following:
- a. The needs of those for whom it would not be reasonably practicable to access education or training provision if no arrangements were made;
  - b. The need to ensure that young people have reasonable opportunities to choose between different establishments at which education and training is provided;
  - c. The distance from the learner's home to establishments of education and training;
  - d. The journey time to access different establishments;
  - e. The cost of transport to the establishments in question;
  - f. Alternative means of facilitating attendance at establishments;
  - g. Preferences based on religion
  - h. Non-transport solutions to facilitate learner access
- 7.8. Local authorities are expected to target any support on those young people – and their families – who need it most, particularly those with a low income. The transport policy statement should set out clearly the criteria used to establish a learner's eligibility to receive transport/financial support. Local authorities may ask learners and their parents for a contribution to transport costs and in exercising their discretion they should:
- ensure that any contribution is affordable for learners and their parents;
  - ensure that there are arrangements in place to support those families on low income; and
  - take into account the likely duration of learning and ensure that transport policies do not adversely impact particular groups.
- 7.9. The transport needs of young people with special educational needs and disabilities must be reassessed when a young person moves from

compulsory schooling to post-16 education, even if the young person is remaining at the same educational setting. Arrangements cannot be limited to those young people who had been assessed as having particular transport needs prior to the age of 16. The Children and Families Act 2014 places a duty on local authorities to publish a 'local offer' setting out their services for children and young people with special educational needs and disabilities, and this must include information on the arrangements for travel to and from post-16 institution.

## **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. Because this is a service to children with SEND, the protected characteristics group that will be affected is children with disabilities. An Equalities Impact Assessment has been carried out and is attached as Appendix 3. In summary, in terms of what is recommended to take forward, the negative impact is potentially not agreeing travel assistance to a greater number of people and therefore their ability to access education. However, this is being mitigated by the potential positive benefits in terms of the development of more inclusive forms of travel for all age groups, through increased investment in Independent travel training, improved access to travel budgets, and working more closely with schools to identify needs.

## **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. No specific impact.

## **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1. Decisions on Home to School transport take into account the safety of children i.e. the eligible children the council should make transport arrangements for are children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability.

## **11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix 1 - Public consultation paper on home to school travel
- Appendix 2 - Analysis of the Consultation results
- Appendix 3 - Equalities impact assessment
- Appendix 4 – Kids First Steering group response, 4 March 2022

## **12 BACKGROUND PAPERS**

Home to school travel and transport guidance Statutory guidance for local authorities 2014 <https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>

Budget Council paper, 4 March 2020

Children and Young People Overview and Scrutiny Panel paper 9 February 2022

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