

Cabinet

Dorset County Council



Date of Meeting	18 October 2017
<p><u>Cabinet Member(s)</u> Cllr Deborah Croney – Cabinet Member for Economy, Education, Learning and Skills</p> <p><u>Local Member(s)</u> All</p> <p><u>Lead Director</u> Nick Jarman – Interim Director for Children’s Services (Authoring Director - Sara Tough, Corporate Director for Children’s, Adults and Community Services)</p>	
Subject of Report	Special Educational Needs Transport Clause
Executive Summary	<p>Cabinet are asked to consider the wording of the clause in relation to SEN transport that will be included in the forthcoming consultation document on Home to School Transport.</p> <p>It has become necessary to clarify the authority’s position in relation to support for SEND learners who require transport to the school designated on any Education Health and Care Plan. In addition clarity about passenger assistance is also required given the rising cost pressure that exist within the overall SEN Travel budget.</p> <p>The detail in the attached information allows for greater discretion in how the authority makes decisions about the type of transport provided and takes into account the circumstances of parents and carers and the additional benefits that they may have such as mobility vehicles.</p> <p>The paper has been discussed at the children services EAP and its content duly noted. The EAP has asked for further information in relation to the application of the 5 mile rather than 3 mile restriction to post 16 travellers. Further information has been sought from</p>

	<p>officers into the impact of such measures which will be available at the time of Cabinet.</p>
Impact Assessment:	<p>Equalities Impact Assessment:</p> <p>The Home to School Transport Policy which this information forms part of will be subject to an EqIA. A full EqIA will be completed before the policy is adopted following consultation from October 2017.</p>
	<p>Use of Evidence:</p> <p>The clauses for inclusion in the Home to School Transport policy have been researched by looking at the current legislation and best practice from similar authorities</p>
	<p>Budget:</p> <p>There are significant pressure on this budget and these controls are helpful in addressing these.</p>
	<p>Risk Assessment:</p> <p>Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as: Current Risk: HIGH Residual Risk HIGH</p> <p>There are financial and reputational risks associated with these changes <i>(i.e. reflecting the recommendations in this report and mitigating actions proposed)</i></p>
	<p>Other Implications:</p> <p>Safeguarding issues have been considered as part of this amendment to the Home to School Policy.</p>
Recommendation	<p>Cabinet are asked to agree the clauses and working that will form part of the Home to School Transport Policy which will be available for consultation in October 2017 and reported back to Cabinet in January 2018.</p>
Reason for Recommendation	<p>These clauses clarify the council's position on SEND transport and will enable progress to be made in providing an efficient and economically sustainable model.</p>
Appendices	<p>None</p>

Background Papers	None
Officer Contact	Name: Patrick Myers and Ed Denham Tel: 710-8302 Email: p.myers@dorsetcc.gov.uk

1. **Eligibility for Travel Assistance in Dorset for Children with Send or an Education Health and Care Plan**

- 1.1 Eligibility to Entitled School Travel Assistance is based on the DFE Guidance “Home to school travel and transport guidance – Statutory guidance for local authorities - July 2014”.
- 1.2 This guidance is issued under duties placed on the Secretary of State by sections 508A and 508D of the Education Act 1996 (the Act). It deals with sections 508A, 508B, 508C, 509D, and Schedule 35B of the Act which were inserted by Part 6 of the Education and Inspections Act 2006 (the EIA 2006).
- 1.3 This Guidance is due to be reviewed in 2017.
- 1.4 Eligibility for travel assistance for Post 16 is based on the DFE Guidance “Post 16 transport to education and training – Statutory guidance for local authorities - February 2014”. This Guidance refers to the Education Act of 1996.

Eligible Children/Young People

Summary:

- If you live a certain distance from the school you are eligible for transport
- If you are on a low income additional rules apply
- If your child attends a special school or special needs base that is the named provision on the EHCP then transport will be provided assuming it is the nearest suitable school with places and they are eligible based on the distance criteria above.
- The Local Authority will make transport arrangements for all children who cannot reasonably be expected to walk to school because of mobility issues.
- If you choose to send your child to a school that is not the nearest that can meet the needs of your child you will not be entitled to transport, even though the school may be named on an EHCP or Statement
- If you have been awarded disability living allowance for mobility you will be expected to use the vehicle for transporting your child to school.

- 1.5 All children are eligible to Local Authority provided transport to school if their nearest or catchment school is:
- Beyond 2 miles (Reception to Year 4)
 - Beyond 3 miles (Year 5 to Year 11)
- 1.6 Children from low incomes (Maximum Working Tax Credits or Free School Meals) may also be entitled to attend their nearest or catchment school if they are:
- a) In Year 5 & 6 and the school is over 2 miles away,
 - b) In Year 7- 11 and it is one of their 3 nearest schools (2-6 miles), or
 - c) It is the nearest school based on grounds of religion or belief (2-15 miles).

- 1.7 These criteria apply to all children who are attending a mainstream school regardless of their SEND or whether a child has an Education Health and Care Plan (or Statement).
- 1.8 Those children who are attending a base provision (Complex Communication Base or Social Emotional Mental Health Base) based on it being the named provision on the EHCP, transport will be provided assuming it is the nearest suitable base with places and they are eligible based on the distance criteria above.
- 1.9 Those children who are attending a Special School based on it being the named provision on the EHCP, transport will be provided assuming it is the nearest suitable school with places and they are eligible based on the distance criteria above.
- 1.10 The Local Authority must make transport arrangements for all children who cannot reasonably be expected to walk to school because of the mobility or because of issues related to their SEND. Usual distance criteria should be disregarded when considering eligibility and must also be based on the individual need. A child or young person may be eligible when:
- Where a young person does not have an EHCP (or Statement) but a professional assessment (see below) clearly states that there is a need for transport because they are unable to walk relatively short distances to school owing to disability or mobility problems (including temporary medical conditions).
 - They have an EHCP, live within the statutory walking distance but a professional assessment states that they are unable to walk relatively short distances to school owing to disability or mobility problems (including temporary medical conditions) and family circumstances make it impossible for the parent or carer to take the child to school.
 - They are of pre-school age and have an EHCP or there is clear evidence that a child has significant special education needs and the Local Authority has recommended a place at a specially resourced nursery unit and this unit is over two miles away from the home address.
 - Has an EHCP, meets eligibility criteria, and has been placed on an assessment placement by the SEN team.
- 1.11 Under the mainstream Home to School Travel Assistance Policy a child with an Education, Health and Care Plan will not be eligible when:
- The parent/carer has requested that the EHCP names a school that is not the nearest available school able to meet the child's needs as deemed by the Local Authority.
 - Transport is being requested solely to facilitate attendance at school. It is a parental responsibility to ensure their child/children attend school regularly.
 - Where higher rate Disability Living Allowance (DLA) for Mobility, has been issued for the benefit of the child for whom travel assistance is being requested. This will be done on a case by case basis and in discussion with parents.
 - For children in Early Education Settings / Pre-school Children - Children under the age of 5 years are eligible to travel free on public transport when

accompanied by a fare-paying passenger. Where there is a profound need application may be made and the transport policy would be applied.

Post 16 Eligibility to Home to School Transport

Summary:

- We do not have a duty to provide transport for children over the age of 16
- You are able purchase bus passes from commercial bus operators or from the operators who service secondary and upper schools.
- You can get assistance with travel costs if you are on a low income through bursary schemes with the post 16 provider.
- If attendance is to a school serviced by operators and you are on a low income or have free school meals you are able to receive a 50% reduction on the cost of a pass
- There may be additional travel assistance from the Local Authority where a student is subject to an Education Health and Care Plan or has significant SEND

The Local Authority does not have a duty to provide Local Authority funded Home to School transport for Post 16 students.

1.12 Students attending Post 16 may:

- Purchase a bus pass on commercial services in order to access their place of learning
- Purchase a bus pass on the One School One Operator (OSOO) bus network servicing all the County's secondary/upper schools
- Travel independently to their Post 16 provision

1.13 Students may get assistance in covering their transport costs:

- All Post 16 providers will have a mandatory Bursary Scheme to assist students from low income families to access Post 16 – this may be travel expenses, books or course materials as the student sees fit
- If a student is on an OSOO bus route, they are eligible for a 50% discount of the cost of their pass if they are on Free School Meals or Maximum Working Tax Credits. This is funded by the Local Authority.

1.14 In all cases it must be evidenced that the college or school named on the EHCP is the nearest option that can meet their learning needs.

1.15 There may be additional travel assistance from the Local Authority where a student is subject to an Education Health and Care Plan or has significant SEND. A student may be eligible for travel assistance when:

- A professional assessment clearly indicates that a young person would not be able to access existing public transport routes to a place of learning because of their SEN or disability, and meet the qualifying criteria.
- A child/young person is within the statutory 2 or 3 mile distance criteria of school but a professional assessment clearly indicates that a young person

would not be able to walk to their place of learning because of their SEND or disability.

1.16 Where travel assistance is provided by the Local Authority, families will be expected to contribute a proportion of the cost. For 2018-2019 this cost is set at £770. The remaining cost will be found by the Local Authority.

1.17 Any Post 16 travel assistance (50% discount on OSOO, provision of dedicated transport at Surplus Seat Cost etc.) will only be available when the young person:

- Is a resident in the Dorset County Council area; and,
- Is under 19 on 31 August immediately preceding the start of the academic year or up to 25 is a section 139a / Education, Health and Care Plan highlights transport is a necessity; and,
- Lives over 5 miles¹ from their nearest and/or appropriate school/college; and,
- Be in full time education (16 hours or more over 3+ days per week).

AND

- Families are in receipt of Maximum Working Tax Credit, or the student is entitled to Free School Meals.

OR

- The student had a compelling medical circumstance prior to post 16 which attracted transport support and a case is made for it to continue (applies to nearest school / college only and supporting evidence from the appropriate Medical Professionals will always be required)

OR

- The student has a compelling medical circumstance that arises during post 16 education (applies to nearest school / college only and supporting evidence from the appropriate Medical Professional will always be required).

Post 19 Travel Assistance:

1.18 Under Section 508F Education Act 1996 where a Local Authority considers it necessary for a young person between 19-25 to have travel assistance (Section 139a/Education, Health and Car Plans so highlights) in order to access an education institution or training, then the LA is required to provide free travel assistance.

¹ DCC uses 5 miles for Post 16. Suggested guidance from the DFE that the 3 mile Year 7-11 criteria is reasonable for use within Post 16

Professional Assessment

Summary:

- Passenger assistant are not normally provided
- In exceptional circumstances where there are risks associated with unaccompanied travel additional assistance may be provided
- There is a range of conditions that may give rise to additional support being provided
- All professional statements to support the need for additional support must come from a relevant Medical Professional

1.19 Passenger Assistants are not provided. In exceptional cases a Passenger Assistant may be commissioned should the SEND suggest that unaccompanied travel in a taxi would put the child, the driver or other road users at risk or there is a specific medical reason that a Passenger Assistant is required to safeguard the child during the journey.

1.20 When a child has a need or disability that would prevent them from making the usual type of accompanied journey made by other children of his/her age additional travel assistance may be provided. The conditions that may give rise to such assistance may include:

- Long term severely restricted mobility – for example, circumstances requiring the daily use of significant physical aids such as a wheelchair.
- Long term medical condition resulting in severely restricted mobility due to pain and/or extreme tiredness - for example, juvenile arthritis.
- Long term medical condition resulting in restrictive mobility leading to serious health and safety risks - for example, epilepsy or life threatening heart defects.
- A sensory impairment resulting in severely restricted mobility - for example, where a child is effectively without the use of sight.
- A child has a disability leading to significant social, and / or emotional immaturity in comparison with other children of his / her age. This may mean a child's behaviour leaves them extremely vulnerable in social settings – for example, a child with Asperger's Syndrome who has very little awareness of personal danger
- A child with severe learning difficulties who has an inability to manage the complexity of the process with safety or demonstrates constant challenging behaviour suggesting that this child cannot make an accompanied journey.

1.21 All professional assessments have to be in the form of a written statement from a relevant Medical Professional who is treating the young person.

Type of transport

1.22 Upon determination of transport entitlement, the SEN Travel Team and Dorset Travel will normally decide the most appropriate means of transporting children to and from school. Methods of transport used will be the most cost efficient and could involve:

- PTB's – Personal Travel Budgets (only applicable to children and young peoples with an Education, Health and Care Plan or Statement of Special Educational Needs).
- Public Bus Service (local bus networks will be supported where appropriate)
- Contract Bus/County Council Fleet
- Mini Bus
- Taxi
- Train
- Vehicle used by other County Council directorates
- Fuel contribution, if it is shown to be a cost effective solution (Families should be prepared to use their own vehicle where there are no suitable or appropriate alternative arrangements in place). The rate paid to families, is for the shortest available driven route only (13p per mile x return journey/s)²

Passenger Assistants

- 1.23 Passenger Assistants are not provided. In exceptional cases a Passenger Assistant may be commissioned should the SEND suggest that unaccompanied travel in a taxi would put the child, the driver or other road users at risk or there is a specific medical reason that a Passenger Assistant is required to safeguard the child during the journey.
- 1.24 All professional assessments have to be in the form of a written statement from a relevant Medical Professional who is treating the young person.

² Mainstream Fuel Contribution is 13p per mile, PTB's use 45p per mile