

**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD ON 24 AUGUST 2023 FROM 7.00 PM TO 8.13 PM**

Members Present

Councillors: Stephen Conway (Chair), Prue Bray (Vice-Chair), Rachel Bishop-Firth, Lindsay Ferris, Paul Fishwick, David Hare, Clive Jones, Ian Shenton and Imogen Shepherd-DuBey

Apologies:

Councillor Sarah Kerr

38. DECLARATION OF INTERESTS

There were no declarations of interest on this occasion.

39. STATEMENT FROM THE LEADER

The Leader advised that he did not propose to give a statement, but to move expediently to the substantive item on the agenda.

40. PUBLIC QUESTION TIME

In accordance with the agreed procedure the Chairman invited members of the public to submit questions to the appropriate Members.

40.1 Chris Roberts asked the Deputy Leader of the Council and Executive Member for Children's Services the following question:

Question:

Many families, such as my own have profoundly disabled, children. The respite of specialist college placements, such as Newbury allow us to remain together as a family unit. If the Executive force through this short-sighted proposal, then it will become a Pyrrhic victory of monumental proportions.

Many young people will no longer be able to attend their college courses and will remain at home with their family carers 24/7, the sheer pressure will lead to family breakdowns and considerable additional work for your social worker teams.

From a financial perspective the weekly residential care costs for a young person with complex and profound needs ranges from £5,000 to over £8,500 per week. You may save £500,000+ on your transport budget, but your adult social care budget would have increased exponentially, through social worker and emergency placement costs, whilst your residential care costs will go up by millions more.

Please listen to the parents, who continue to care for our disabled young people at home. The only result of this policy will be to break-up families, cause heartbreak and confusion for the disabled, whilst costing the Council millions more in residential placement costs. Is this something you really want to do?

Answer:

We appreciate that many families will be concerned about changes to home to school transport policies. It would not make sense for us to make changes which resulted in huge

additional costs elsewhere, and we wish to reassure you and other potential service users that we will assess each case on its merit, in the best interest of the young person and the Council. There is no change to our existing approach that we will continue to make an appropriate alternative arrangement to meet children and young people's needs, where exceptional situations justify it.

Supplementary Question:

As a SEND (special educational needs & disability) parent, who chose a college place for my profoundly disabled son, I had to choose a place in Newbury and the distance wasn't through choice, it was because there was nothing suitable in the immediate surroundings. My young son has got a condition called 'Road blindness' which means he just runs out into the road and it was deemed unsafe for him to attend either Reading College or Bracknell & Wokingham College. Newbury College sits in a field and was deemed to be a safe place.

In terms of young people and families with special needs who do have further placements this is not a decision which is taken lightly. They have been placed at these establishments which are further from their homes purely based on health and safety needs.

Answer:

I understand exactly what you are saying and you are not alone in your concerns on this. We will be placing children in accordance with their needs and not trying to make them go to the nearest establishment if it is not suitable. We have no intention of trying to change things where need is there. You highlighted that we do not have enough in-borough provision. This is something we are looking at, as we recognise it is a gap in our provision.

40.2 Sarah Clarke asked the Deputy Leader of the Council and Executive Member for Children's Services the following question:

Sarah Clarke was not in attendance but the Executive Member for Children's Services stated that she wished for the question to be read out in any event and given a response.

Question:

Please can it be explained how the transport policy change to Independent Travel and Personal Budgets for those with SEND is going to reduce the transport budget when there is no cost analysis of the current costs for post 16 or what the cost of the proposed changes potentially will be. No information, on numbers travelling, distances currently being travelled and whether or not person budgets will cover those costs or be overpaying for that travel. What will be the potential cost of travel training and personal budgets vs current transport costs and how can the committee make an informed decision without this information?

Answer

The proposed change to the Post-16 transport offer to Independent Travel Training and a Personal Budget as the default options is part of the overall package which is aimed at ensuring we have a sustainable home to school transport service for the long term, rather than immediately reducing spend. In particular, with this particular change, we want to do better and prepare our young people for adulthood and future employment. We aim to provide our young people with the skill and resources they need to become more independent.

Personal budgets will empower young people and their families by giving them the flexibility to make their own choices, which suit their own circumstances and individual needs and they are already in use in other local authority areas

We cannot predict what proportion of young people will have Personal Transport Budgets or Travel training, or exactly where young people will be studying or how far they will have to travel. Or indeed, how many young people will qualify for travel assistance in total in future years. This makes it nigh on impossible to provide a meaningful cost comparison between the current spend and future spend on post-16 transport, which is why we have not provided one.

But to give you some idea of what the impact may be, in the 22/23 academic year there were 62 Post-16 students receiving travel assistance from the Council. Two-thirds of Post-16 students were travelling to Post-16 education in Wokingham borough, to Reading or Bracknell & Wokingham Colleges or to Berkshire College of Agriculture. There are public transport networks or a bespoke college coach network in place to aid travel to these destinations.

Looking at what would happen if we were to pay mileage instead of having a Personal Transport Budget, in 65% of cases a mileage payment would be less, removing the flexibility for a young person to make their own choices about how they travel. Where mileage payments could be more, in most cases there are travel options which can be achieved within the personal budget. For cases where there are no suitable travel options the proposed Post-16 policy includes an appeals process, which allows cases to be reviewed on an individual, case-by-case basis. This means that if it turns out that, for example, Council Operated Transport is the right option for a particular student, that option will still be available.

40.3 Terri Walsh asked the Deputy Leader of the Council and Executive Member for Children's Services the following question:

Terri Walsh was unable to attend the meeting but the Executive Member stated that she wished to read out the question in any event and give a response.

Question:

Please can the "nearest suitable learning provider is the closest school or college to the home address able to offer a suitable level of Study" be clarified to make it clear that in line with the post-16 Transport & Travel to support Education statutory guidance Jan 2019, the Local Authority "29: must have regard to b) The need to ensure that young people have reasonable opportunities to choose between different establishments at which education is provided" and that a young person will be able to choose the post-16 course they wish e.g. electrician over catering as opposed to level of training course, which may mean attending a closer college, but not doing the course/qualification they want to do in order to qualify for travel assistance.

Wokingham Borough Council need to ensure a SEND young person has the same right to study a course of their choosing as their peers and they shouldn't be forced into a course not of their choosing due to just meeting a "level" of education.

Answer:

The Council would not want to disadvantage any young person from making a reasonable choice for their future education. The Post-16 Travel Assistance policy is applicable to all

post-16 students, including those young people with Special Educational Needs and Disabilities.

Travel assistance will be considered to the nearest setting that indicates they can deliver the provision that a young person with additional needs/disabilities requires to meet their needs, as well as offering an appropriate accompanying course.

An appropriate course is one that enables the young person to meet their learning and/or employment objectives or is specifically designed to meet the student's special educational needs. For young people with SEND, preferred courses should be discussed at their annual review and their views and aspirations will be considered along with how their choice of course will meet their learning objectives. Subsequently their Educational Health Care Plan and any course named within the plan for post-16 education would be considered as a reasonable choice, for transport purposes.

You will have noticed that I have used the word “reasonable” several times. That is a word which appears in the legislation. There are bound to be cases where reasonableness is disputed – for example, if the choice is between an NVQ Level 2 in Carpentry at a nearby provider and NVQ Level 2 in Joinery at one further away. But each case will be looked at on an individual case-by-case basis, to ensure that we meet the needs of the young person as well as we can.

Finally, there was no intention to change this aspect of the policy but it seems our rewording for clarity did not work, as it resulted in a lot of discussion at the Children’s Services Overview & Scrutiny meeting, and you have asked this question. To give you some reassurance, we have revisited this and reworded it, and I repeat that that the situation with regard to choice of course remains as it was before.

40.4 Matthew Lawlor asked the Deputy Leader of the Council and Executive Member for Children's Services the following question:

Question:

Given that unlike parents, the council transport planning team has the technical expertise to evaluate transport provider bids and suitability (including enhanced criminal record checks etc for safeguarding), a combined transport demand which enables price competition, the legal clout of the council/ legal team to enforce contracts and the ability to combine multiple passengers into shared journeys which is more efficient on resources and for the environment and congestion, can the travel policy specify for 16-19s the continued provision for council-organised and funded transport for vulnerable and SEND young people where they are not able to travel independently to their nearest suitable school, college or supported internship.

Answer:

The Council’s Post-16 transport policy is aimed at preparing our young people for adulthood and future employment. We aim to provide our young people with the skill and resources they need to become more independent.

Personal budgets will empower young people and their families to make their own choices, which suit their own circumstances and individual needs. Where additional support for families is needed to help identify travel options, the Council can look at the best way this support can be provided.

If a young person's needs are such that they cannot travel independently to their nearest suitable school, college or supported internship, the Post-16 policy includes an appeals process which allows for cases to be looked at on an individual basis.

To put all that a different way, we want to do what we can to help prepare SEND young people for adulthood. Giving options for travel to their post-16 education is part of promoting the idea of independence, which is something that will help equip them for the future. We know that this is not realistic for everyone and that some young people will still need council operated transport, and that option will still be available for those who are assessed as needing it.

So, to answer your question directly, yes, the policy does include the possibility of council-operated transport for SEND young people where they are not able to travel independently.

Supplementary Question:

If you can't travel independently, the need to go through another appeal is another battle for SEND families. Can you consider that you could make, centrally organised transport the outcome of an application, rather than needing to go through an appeal process.

Answer:

We wanted to make the Personal Travel Budget the default option which makes it difficult to put the other one in as a first option, but there are undoubtedly children for whom Council operated transport will be the only outcome. We will consider how that will operate. I would also like to add, once a child has got arrangements in place, that will not be changed, unless their circumstances change or they are assessed in a different way. We are not planning to move away from Council operated transport from people who have already been given it, unless there is a change in their circumstances. I hope that provides some reassurance. We will look at point you have made, as I can see your rationale.

40.5 Rachel Lawlor asked the Deputy Leader of the Council and Executive Member for Children's Services the following question:

Question:

Young people with SEND have limited options for Post-16 education. One option for EHCP (Education & Health Care Plan) learners is a supported internship, a full-time educational programme with work placements.

The national guidance states in section 22 that "arrangements to support learners undertaking apprenticeships and traineeships should also be set out in the transport policy". I can see no information on this in the proposed policy. Will you please confirm that a section on this will be included and that young people with SEND will be supported to travel to such a programme?

Answer:

Section 3 of the Post-16 Transport Policy sets out the eligibility criteria which the Council will use to identify if a young person will be provided with travel assistance. If a full-time educational programme with work placements is provided by:

- a school,
- further education institution,
- Council maintained or assisted institution providing higher or further education
- Establishment funded directly by the Education Skills Funding Agency, or a

- Learning provider delivering accredited programmes of learning, which lead to positive outcomes and are funded by the council, for example, colleges, charities, and private learning providers

Then travel assistance will be assessed to this provider's location. The standard transport offer will be a personal budget. It will be for the young person to determine how to spend their personal budget to access any work placements which form part of their course.

If the young person is not enrolled on a full-time course which is provided by one of the above providers, then they will not meet the eligibility criteria for travel assistance. Section 2 of the Post-16 transport policy provides information about Travel Assistance offered by External Organisations and is applicable to all young people, including those who do not meet any other eligibility criteria.

In all cases where a young person or their family believe they have exceptional circumstances, an appeal for travel assistance may be made in accordance with Section 4 of the policy. This discretionary arrangement has not been changed.

That is all a very technical way of explaining that under the policy if the apprenticeship or traineeship is run by an educational establishment and is full-time, the young person can apply for travel assistance in the same way as for any other post-16 course of study but may have to make special arrangements to get to any work placements involved.

40.6 Michelle Felton asked the Deputy Leader of the Council and Executive Member for Children's Services the following question:

Question:

The proposed policy acknowledges some SEND pupils post-16 cannot get to school/college via a Personal Travel Budget (PTB), yet they must apply for PTB, wait for the end-of-term PTB decision, then appeal for Council Operated Transport instead. The proposed policy construction and timeframes inevitably will result in summer-born SEND pupils who are unable to use a PTB starting their first term without necessary transport assistance.

Please could the Executive amend this to allow parents to make the case for a need for COT that cannot be met by PTB in the initial application, instead of waiting until after PTB is awarded. This will allow pupils to have transport assistance in place at the start of term, and the council to avoid processing these applications twice.

Answer:

Travel assistance can be applied for at any time.

We would advise that as soon as a young person knows where they will be travelling to for their post-16 education that they submit their application for travel assistance.

Officers will aim to determine initial applications within 10 working days of their receipt, although this maybe slightly longer at busy times (July through to September).

Section 15 of the Post-16 policy provides details of the appeals procedure. If an appeal is required a Stage 1 Appeal will be heard within 20 working of a request being made. Should a case progress to a Stage 2 Appeal then this will be heard within 40 working days

of the request. Officers will always aim to process cases as quickly as possible. Please note that the time limits for appeals are a maximum time, not a minimum.

Supplementary Question:

Council Operated Transport (COT) could you explain the logic behind a child reaching 16, who is assessed as not being able to travel independently, who has had COT throughout childhood. Can you explain the logic of not being able to use a personal transport budget for COT or to have COT as an option.

Answer:

We are trying to change the focus of post 16 travel for children with SEND so that it helps promote their independence, as they move into adulthood and away from Children's Services support. When they become an adult, there is not that wraparound support in the same way. There is support, but not quite as comprehensive and we do want to promote independence where we can.

We do recognise there are children for whom that will never be appropriate. If your child is assessed as needing COT at present and it is quite clear that they will never be able to operate a personal travel budget, the likelihood is that it will just continue seamlessly.

There may need to be an appeals process, but these appeals will need to have a quick turnaround. There are more children than you might think that will be suitable for a personal travel budget or training for independent travel. The reason this is being promoted is for the young person's benefit and not the Council.

This doesn't come in until September 2024, and we will continue to look at the detail.

41. MEMBER QUESTION TIME

In accordance with the agreed procedure the Chairman invited Members to submit questions to the appropriate Members.

There were no questions submitted on this occasion.

42. HOME TO SCHOOL TRANSPORT - REVISED POLICY

The Executive were advised that there were a number of supplementary papers relating to this item, one of which summarised the recommendations of the Children's Services Overview & Scrutiny Committee which met on 15 August 2023.

It was noted that the Executive had also received the full set of minutes from this meeting.

A set of revised recommendations had been tabled which took into account what was discussed at the Children's Services Overview & Scrutiny Committee on 15 August and what had emerged from the consultation exercise.

The Leader extended a welcome to the Chair of the Children's Services Overview & Scrutiny Committee who would be addressing the Executive. He invited the Executive Member for Children's Services to introduce the report.

The Executive Member for Children's Services made the following statement:

'What I am bringing you tonight is a complete overhaul of the Council's Home to School Transport policies.

We have held a public consultation on our proposed changes, and the outcome of that went to the Children's Service Overview & Scrutiny Committee on 15 August, and in a moment, we will hear from Andrew, the chair, about the committee's views. I would like to thank all the members of the committee for their constructive and thorough engagement on the policies. I would also like to thank everyone who responded to the consultation and I note that many of the proposals we made won support.

Home to school transport can be quite an emotive issue if you have a school-age child. That is particularly true for parents of children with special educational needs and disabilities. I do understand how the idea of change can cause anxiety and concern for those parents and children. I also understand that people may not have the rosiest view of the council, and that therefore the prospect of changing the policies immediately makes them fear the worst. On top of that, we have reformulated the policy over quite a short period of time, which quite possibly has stoked the idea that the outcome is predetermined. Coming at a time when the council is having to make cuts to non-statutory services, there is also bound to be a suspicion that we are simply after saving money and not looking at the interests of the children affected.

Now, it is true that the home to school transport budget has exploded over the last few years. It is also true that we wish to bring it under control, but these changes are not being made in order to produce a saving this year. They could not do that because if we approve the new policies tonight they will not come into effect until September 2024.

There is a financial driver behind the changes of sorts, but it is not a requirement to meet a savings target. It is more about trying to ensure that we make as efficient use of the limited resources we have as possible, and about delivering the maximum we can for the most children and young people we can, and in particular for those children who face the most challenges. We need to eliminate waste, and inefficiency. So, to give an example, in the new policy we will be asking people who have applied for transport for their children on medical grounds to supply the medical evidence within 20 days if possible. Previously, some cases have dragged on for months while we waited for the evidence or for any communication from parents. But we won't simply withdraw the transport if someone can't get their doctor to send in a letter within 20 days, provided they communicate with us and tell us what the delay is. I hope you agree it is not sensible to allow a completely open-ended period to respond.

There are some important issues to do with promoting independence for young people with SEND associated with the post-16 changes. But the main purpose of making the changes is to get a policy that will help us sustain the home to school transport service in the context where we have very limited resources.

It is very difficult to quantify how these changes will affect the spend. That's one reason why there are no figures for costs. I think the most I can say is that we believe that the spend will not go up as much as it would have if we had not taken action.

At this point it would probably be good to talk about why this is happening now. Home to school transport policy has to be agreed a year before it comes into effect. So, we need to have a new policy in place by mid-September this year in order to use it next year. Although we had been looking at the huge increases in the budget – around 90% over the past 4 years – we did not have an opportunity to look at how to address them at an earlier time. Bear in mind that we only became the administration in May 2022, and had rather a lot to do in Children’s Services, including ensuring we got a Safety Valve deal with the government to enable us to deal with a huge deficit on the SEND budget which had been accumulating since 2017 and had begun to grow rapidly, and which could have bankrupted the council in the next 6 years if not dealt with.

Part of the Safety Valve deal is about revising and improving our SEND offer. As part of that, last year we bid for and have been granted two additional SEND schools for the borough, which should be opening in about 2028. It is the creation of more SEND provision in the borough that is actually going to be of most benefit in reducing the home to school transport budget, not changes to the policy.

Only having got through Safety Valve and also an Ofsted inspection in March, plus dealing with a critical shortage of school places, we then had to grasp the nettle of dealing with home to school transport. We didn’t want it to be delayed for another year, so it had to be done at pace. I am very grateful to all the officers who put such a lot of effort in to produce the policies.

Despite the short timeframe, as well as a public consultation, we have also had the policies subjected to a sort of peer challenge and taken external legal advice. This is a complex area and we don’t want to get it wrong.

In connection with that, it is important to make it clear that there is no change to the fact that each case, particularly where SEND children and young people are concerned, will be looked at on its own individual merits. We are not going to try to make blanket decisions. That would be potentially discriminatory. It certainly would not be in the best interests of the child or young person. It is because each case is different that we cannot write the policies in such a way as to nail down all criteria. For example, we cannot make a rule that all managed moves will not qualify for transport, or that they will qualify. It will depend on the circumstances of each managed move and the interests of the child.

One of the thorniest issues in creating the new policy was trying to make sure the language was clear. I think from the discussion that will take place in a moment it will become clear that we did not always initially succeed, but I hope you will be able to see that we have listened. I think it is also important to mention that it is not only the policy that will change. We will be writing guidance for parents and trying to make the links clearer between applying for a school place and your entitlement to transport. We will also be working with all stakeholders to develop a travel training offer. Those things are not part of the policies so are not for our agreement tonight.

Finally, I would like to say that we have tried to listen to everyone and have made and are making changes to the policy in response to feedback. I cannot promise that people will get everything they wanted, but I do believe that we have gone a long way to meet their wishes.'

The Chair of the Children's Services Overview & Scrutiny Committee made the following points:

The purpose of Overview & Scrutiny (O&S) was for elected members and community representatives to undertake a rigorous, independent, critical friend review of a policy area. The Committee considers evidence submitted by a range of sources and offers advice and recommendations which are based on the weight of evidence and not on party political grounds.

He stated that he did not propose to go through each recommendation of the O&S Committee, he noted that many of the matters raised in the minutes of the Children's Services O&S Committee had been addressed by the Executive Member for Children's Services and by the tabled revised recommendations. He highlighted the following areas:

Recommendation 6 a) the O&S Committee had recommended that the provision of travel assistance for children under statutory school age, continue. (covered on pages 3-4 of the draft O&S Committee minutes) He noted that the revised recommendations now included that a request to exercise discretion in a particular case, could be requested. This was welcomed.

Recommendation 6 b) the O&S Committee recognised that it was implicit that when individual cases considered, a test of reasonableness was imperative.

Recommendation 6 d) again the O&S Committee reiterated the importance of the test of reasonableness.

Finally, the O&S Committee considered it important that young people eligible for post 16 travel assistance, were supported to attend the nearest, most suitable educational setting. He was pleased to see that this recommendation had been taken on board and reviewed in the policy. He gave his thanks and reiterated the importance of the test of reasonableness being integral to this work.

The Leader and Executive Member for Children's Services thanked the O&S Committee for adding real value to this work, which had led to revised recommendations. This had helped to clarify, amplify and in some cases review of proposals.

It was noted that the policy under consideration was unrelated to the travel arrangements currently under discussion relating to Shinfield buses/transport.

RESOLVED that the Executive:

1. Noted the impacts and mitigations set out in the Equality Impact Assessment ([Annex 1](#))
2. Noted the outcomes of the 28 working day public consultation ([Annex 2](#))

3. Approved changes to the Home to School/College Travel Assistance policies having considered the above documents and the recommendations and actions arising from the Children's Services Overview & Scrutiny meeting of 15th August 2023.
4. Approved the revised Home to School/College Travel Assistance policies, taking into account the response to the recommendations and actions arising from the Children's Services Overview & Scrutiny meeting of 15th August 2023, delegating final sign off to the Director of Children's Services in consultation with the lead member for Children's Services
 - I. Home to School Travel Assistance Policy for children and young people **16 years old and under**, including young people with Special Educational Need and Disabilities (SEND) ([Annex 3](#))
 - II. Transport Assistance Policy for young people resident in Wokingham **post-16**, including young people with SEND([Annex 4](#))
5. Approved the implementation of the new Travel Assistance Policies from the academic year commencing September 2024
6. Agreed that the Director of Children's Services in consultation with the Executive Member for Children's Services has delegated authority to approve the statement every year where there are no substantial changes.