

**MINUTES OF A MEETING OF THE
CHILDREN'S SERVICES OVERVIEW AND SCRUTINY COMMITTEE
HELD ON 15 AUGUST 2023 FROM 7.00 PM TO 10.20 PM**

Committee Members Present

Councillors: Andrew Mickleburgh (Chair), Jane Ainslie, Ian Pittock, Anne Chadwick, Graham Howe, Phil Cunnington and Andrew Gray

Other Members Present

Sarah Clarke, SEND Voices Wokingham
Fr Richard Lamey, Church of England representative

Other Councillors Present

Councillors: Prue Bray (online via Teams)

Officers Present

Luciane Bowker, Democratic and Electoral Services Specialist
Rebecca Brooks, Community Transport Manager
Zoe Storey, School Admissions and Transport Manager
Helen Watson, Director of Children's Services
Ming Zhang, Assistant Director for Education and SEND

Others Present

Terri Walsh, SEND Voices Wokingham

The Chairman, Councillor Mickleburgh made the following statement:

"I am Councillor Andrew Mickleburgh, the Committee Chair. The committee consists of elected Councillors and community representatives. The role of Overview and Scrutiny is to provide rigorous, independent, "critical friend" challenge and to work with the Council's Executive and other public service providers for the benefit of the public. The Committee considers submissions from a range of sources, and reaches conclusions and makes recommendations to the Executive based on the weight of evidence – not on party political grounds."

20. APOLOGIES

There were no apologies for absence.

21. DECLARATION OF INTEREST

There were no declarations of interest.

22. PUBLIC QUESTION TIME

There were no public questions.

23. MEMBER QUESTION TIME

There were no Member questions.

24. HOME TO SCHOOL TRANSPORT - REVISED POLICY

The Chairman, Councillor Mickleburgh made the following statement:

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to provide rigorous, independent, “critical friend” challenge and to work with the Council’s Executive and other public service providers for the benefit of the public. The Committee considers submissions from a range of sources, and reaches conclusions and makes recommendations to the Executive based on the weight of evidence – not on party political grounds.”

Helen Watson, Interim Director for Children’s Services explained that the policies discharged the statutory and discretionary powers and responsibilities in relation to school and college transport assistance available for people up to the age of 25, both with and without additional needs.

The Council last undertook a review in 2021. However, the number of children and the cost of providing this assistance have risen. The Council must now review its policies to ensure that those who need assistance the most continue to receive the support they need, in line with the resources available.

Zoe Storey, School Admissions and Transport Manager presented the Home to School Transport – Revised Policy report. She shared a presentation and the following points were highlighted:

- Home to school transport was a complex area which involved working with different departments across the Council;
- The home to school transport budget had come under a lot pressure in recent years due to many factors, including a significant rise in the number of pupils being identified as having Special Educational Needs and Disability (SEND) and who were eligible to home to school transport assistance;
- Mitigating measures were needed to address the challenges in the budget;
- The challenges in relation to transport for mainstream schools and for SEND children were different;
- There was a rise in the number of children with Education Health and Care Plans (EHCP), consequently increasing the number of children who needed assistance with home to school transport;
- The increase in complexity in the cases of children with EHCPs was a contributing factor to the rise in expenditure, with a need for more specialist medical transport and associated support staff;
- Other challenges included a reduced pool of providers that the Council could contract out, minimum wage increases and higher fuel costs, amongst other factors;
- Providers were currently charging 20% more than last year, putting the Council in a difficult position to provide the service;
- The report contained the details of the proposed changes. The three key changes were:
 - Post-16 provision – the national guidance is that Councils do not have to provide free transport to children from 16 to 19, or to make available a fee-paying service provision. It was proposed that the policy is updated to align with the national guidance, removing the fee-paying service. For SEND pupils who qualify for travel assistance, and in order to encourage independent travel, a personal travel budget was being proposed.
 - Travel assistance for under 5s – there is no statutory requirement to provide travel assistance for under 5s. However, under the current policy there is discretion to provide travel assistance to under 5s on a case by case basis. The removal of this discretion was being proposed.

- Fare payers – there is no statutory requirement to offer fare paying seats on Council commissioned school transport. Under the new policy, it was proposed that low income be used as eligibility criteria, but no further discount would be given. However, following feedback the Council was proposing to prioritize seats for low income families on fare paying Council transport.
- More SEND provision was being created in Wokingham, including within mainstream schools, so that SEND children could continue to access education;
- The Council had supported transport to school as much as possible in the last few years, however it is critical that shortfalls are addressed so that those who need assistance the most continue to receive it. These decisions were difficult to make and were not taken lightly.

Councillor Bray, Executive Member for Children’s Services stated that the Executive was going to carefully consider the recommendations submitted by the Overview and Scrutiny Committee and they were genuinely listening to the results of the consultation.

Terri Walsh and Sarah Clarke, representing Wokingham SEND Voices addressed the Committee to present a report, included a part of the Agenda Pack, on the proposals in the public consultation. The following points were highlighted:

- The feedback received was in relation to the two policies that were shared in the consultation, not the policies presented in the CSO&S Agenda. Parents and SEND Voices had not been made aware of the two documents contained in the Agenda in time to comment;
- Some parents had contacted SEND Voices to say that if they had seen the policies as presented in the CSO&S Agenda, they would have answered some questions in the consultation differently;
- There were concerns that the consultation had not been shared with young people;
- Parents felt that the consultation papers did not provide sufficient information to enable them to make informed decisions, for example, there was no information about training arrangements (this information was still not available);
- The original document in the consultation talked about transport to the nearest suitable ‘establishment’, however, the current version stated nearest suitable ‘level’ – parents were concerned about the meaning of level and its possible implications, they worried that it could lead to young people having to accept a course that was not of their choice. This was against government legislation;
- It was unclear what the low income criteria was and how this was going to be assessed for fare payer seats. The current system was based on a first come first serve basis, which was unfair;
- It was recognised that new SEND schools were being set up and that local provision would increase. However, the new policy would come into effect before the local provision increase was in place;
- There was concern that the travel training would not be ready and set up in time for September 2024. Also, the documents in the Agenda Pack lacked information about the costs of travel training in relation to the system that is currently in place.

The Committee discussed Annex 3 – Home to School Travel Assistance Policy - Statutory School Age.

The following points were made in relation to the proposal for withdrawal of travel assistance for under 5’s:

- Councillor Howe expressed concern that the report lacked financial information, for example, it did not contain information about the number of SEND and non-SEND children and age groups and costs;
- Councillor Howe felt that the report also lacked clarity about the roles of Corporate Transport and Children's Services and the changes that were being proposed;
- The Chairman acknowledged the issue that there was a lack of information about the number of under 5's and post-16 children and the costs in the report;
- Rebecca Brooks, Community Transport Manager stated that this information was not available at the meeting but could be provided outside of the meeting;
- Councillor Chadwick stated that main driver for the changes was financial, therefore information about the numbers was critical to scrutiny;
- The Chairman was of the opinion that the lack of data did not preclude the Committee from making recommendation on the policy;
- Sarah Clarke believed that taking away the provision for under 5's would be unfair to some children, as it was linked to when their birthday was in the year. This disparity was concerning and was discriminating against the time of year in which a child was born. She worried about the potential negative impact of loss of education, in particular in relation to SEND children. She also stated that the information about the number of children affected by this change and how much it cost was very important for an informed decision;
- Ming Zhang, Assistant Director for Education and SEND stated that travel assistance for under 5's was currently provided for seven children;
- Councillor Howe pointed out that this issue linked with early diagnosis of SEND. Should this improve, then the number of under 5's children needing travel assistance could change.

In view of the importance of early years intervention and education, and that the current number of children receiving this assistance was very small, the Committee decided unanimously to ask the Executive to consider continuing to provide home to school transport to children under the age of 5.

In response to a comment, it was clarified that only elected Members had voting rights in the Committee. However, in accordance with the Council's Constitution, Church of England representatives had voting rights in relation to education matters. Luciane Bowker, Democratic and Electoral Services Specialist asked the Chairman to use his discretion to determine if this was considered an educational matter or a transport matter. The Chairman decided, and other Member agreed, that this was an educational matter. Therefore Richard Lamey, Church of England representative took part in the voting procedures during the meeting.

The Committee continued to discuss Annex 3 and the following comments were made during discussions:

- Councillor Howe asked for more information about how families with SEND children would experience the process and provision of home to school transport under the new policy;
- Sarah Clarke stated that she could only give a very generic example. Every child was different with different needs. The distance a child could travel on their own varied, their ability to navigate buses was different. SEND children were more vulnerable than other cohorts and their ability to navigate social interactions varied, therefore the risk factors were different. It was also important to consider that a child was supposed to arrive in their place of learning in a fit state to learn;

- Sarah Clarke raised concerns about how to make the new policy a bit more bespoke to meet SEND children's different needs. She suggested that a hybrid model should be considered for some children, for example by allowing them to go to school on personal transport in the morning and come back by bus in the afternoon. She worried that the policy was too black and white;
- Terri Walsh informed that parents were concerned about how the nearest suitable school was going to be determined, this was not clear;
- Councillor Gray stated that some parents would have made school choices based on the current policy. He asked if those no longer eligible under the new policy would have the travel assistance removed and when? In particular, how were SEND children and those with low income affected?
- Rebecca Brooks explained that those who received travel assistance under the current policy would continue to do so until there was a change in circumstances, or a milestone was reached and reassessment took place;
- Ming Zhang highlighted that there was still the ability to use discretion, that case by case scenarios would be considered – discretionary arrangements were possible;
- Terri Walsh and Sarah Clarke stated that the possibility of discretionary arrangements was not clear in the policy, and asked that the wording be amended in a way that was easy for parents to understand. This information was also important and relevant in relation to appeals;
- Helen Watson confirmed that discretionary arrangements were allowed in the policy but agreed that the wording could be reviewed;
- Councillor Chadwick had concerns that the wording needed to be made clear and some consistency was needed to ensure fairness to all;
- Richard Lamey stated that every parent wished their child to be considered individually and get the best possible outcomes;
- Councillor Cunningham expressed concern that increases in operational costs (considering case by case arrangements) may start to eat into the savings that the Executive was trying to achieve by implementing these changes;
- Sarah Clarke asked how 'cliff edges' were going to be prevented and how children would be supported towards independence in the new policy? (In relation to the changes to post 16 travel assistance);
- Ming Zhang stated that there was a whole system approach to supporting young people, and that this was not limited to transport assistance;
- Rebecca Brooks pointed out that Section 2 of the policy mentioned discretionary arrangements. She urged caution about the wording, and reassured the Committee that children with EHCPs were considered individually with the SEND teams, and they worked together with the Transport Department to determine the best arrangements for each child;
- There was discussion about including the word 'broad' discretion in the policy and including examples in the policy, but there was no consensus on this. However, it was agreed that there was a need for better communication of the fact that the policy did allow the flexibility of discretionary arrangements;
- Rebecca Brooks discouraged the idea of including the word 'hybrid' in the policy. However, she pointed out that this option could and would continue to be considered on a case by case basis;
- Sarah Clarke asked what would happen if a child was given a place at the nearest suitable school at the time of application, and then subsequently, a school nearer to their home at the time of transition (for example at the age of 8) became available, would they lose transport assistance then? Would they be expected to move the child in order to continue to receive home to school transport assistance?

- The Chairman asked if discretion could be used in such an instance, where it was in the child's best interests to continue their education in the current setting?
- With respect to Sarah Clarke's question, Rebecca Brooks explained that both the current and new policy were in line with national legislation, and there had been no changes. The home to school transport assistance was given at the point of application for a reception place and then at age 8 only if there was a new application for junior school, for example;

The Committee noted and endorsed the fact that there had been no changes in respect to the question raised above.

In response to a question, Rebecca Brooks confirmed that there were no changes to the criteria to determine the 'nearest most suitable school'. The Chairman stated that, having reviewed the documents and based on feedback received, there was a need for more clarity around the definition of nearest most suitable school.

Zoe Storey informed that a lot of work had been undertaken to make this concept clearer in the new Parents Guide to School Admissions, so that parents would be able to better understand what was meant by the nearest most suitable school. This guide would be easily accessible from the Council's website from 13 September 2023.

Terri Walsh asked that information about the Parents Guide be included in the policy to make parents aware of it. Sarah Clarke added that SEND Voices had volunteered to help write up the words in a parent friendly way.

Zoe Clarke confirmed that there would be links to documents in the Parents Guide and in the policy.

Councillor Chadwick was under the impression that the Home to School Transport Policy was driving parents to choose the nearest school to their home, not necessarily the school that they thought was best for their child. Terri Walsh confirmed that this was a concern and that parents often felt confused by the system when making choices about school places.

The Chairman suggested the possibility of producing a summary document of the policy, with a flow chart with possible outcomes to help parents understand the process.

Councillor Gray stated that some parents had expressed anxiety about not knowing in advance how the new policy was going to affect them and when. He suggested that improving communication with parents would alleviate this anxiety.

Zoe Storey informed that a Q&A document was being produced to address the main concerns raised. SEND Voices would be invited to co-develop this document.

Richard Lamey pointed out that the definition of 'qualifying' school and 'suitable' school was very confusing in the document and asked that these definitions be made clearer.

There was agreement that there was some ambiguity in the language used in the policy, and that Officers would work with the interested parties, including SEND Voices to create a Q&A document to explain it in simple language.

The Chairman asked what support was available from CTU, Children's Services and Adult Services for vulnerable parents to navigate this complex system? Ming Zhang reassured

the Committee that those services worked together to support vulnerable adults. Whilst it was not possible to include all possible scenarios in the policy, every effort was made to work as a whole system of support for those who needed it.

Rebecca Brooks stated that this policy crossed different departments within the Council, and if necessary, Officers could signpost to other services. The issue of vulnerable parents was addressed by the policy under 'Accompaniment' (page 86 of the Agenda). Reasonable adjustments would be made where necessary.

Terri Walsh believed that this was new to the policy. Rebecca Brooks explained that the wording in the new policy was an attempt to make things easier and quicker to administer.

Members noted that the robust mechanisms were in place involving Children's Services, CTU and Adult Social Care Services which would continue to ensure that vulnerable parents are adequately supported, including in navigating this complex home to school transport system.

In response to a question, Zoe Storey explained that a child attending a school out of the borough could be entitled to home to school transport, provided they met the eligibility criteria. Councillor Chadwick asked that the wording in the policy be made clearer to reflect that, and this was agreed by Officers.

Councillor Chadwick asked what would happen to the entitlement to home to school transport assistance if a child was made to change school due to welfare reasons?

Sarah Clarke was interested to know what would happen to the entitlement to home to school transport assistance in the cases of a managed move.

Ming Zhang explained that there were no proposed changes in the policy in relation to the above scenarios.

Sarah Clarke asked for clarity about what the nearest suitable school was for a child subject to a managed move. Ming Zhang agreed to review this point.

The Chairman noted that concerns were raised by the consultation, around the length of time given to families to prepare for changes to their travel arrangements. Terri Walsh explained that the issue was the timing of assessments, if a child was assessed in the beginning of term, there was enough time to prepare the child for the new arrangement; but if the assessment took place at the end of the term, there would not be enough time to prepare.

It was suggested that families be given three months notice from transport assessments about their new arrangements. However, Rebecca Brooks advised that stating a time limit in the policy was not appropriate because the policy was for SEND and non-SEND children, and this would not be practical. She stated that SEND children who needed more time to adjust to changes would be considered on a case by case basis.

Sarah Clarke was concerned that this was not clear in the policy. Officers agreed to review the wording to make it clearer that there was flexibility in relation to SEND children.

The Committee went on to discuss the Appendix 4 – Home to School Travel Assistance Post-16 including young people with SEND.

The following comments were made during discussions:

- Zoe Storey confirmed that the fare paying option was being completely removed from the policy. The standard offer would be a personal travel budget;
- Richard Lamey believed that fare paying students bought seats in already running buses that would otherwise be empty. He asked what was the rationale for this proposal?
- Rebecca Brooks explained that post-16 fare payer families bought the service on an annual basis, and it was not the case that the bus service was already running anyway in every case, it may be additional transport. If there were vacant seats, and if it was cost effective, those seats would be used and not charged. Those vacant seats would not be available for everyone and the standard offer will be a personal travel budget;
- Ming Zhang added that the fare paying option would still be considered for exceptional cases;
- The Chairman asked what guarantees were in place to ensure that a post-16 young person, with significant needs would still be able to access education with a personal travel budget?
- Rebecca Brooks explained that the standard offer would be a personal travel budget, however the policy did not preclude individual arrangements which would be considered on a case by case basis;
- Councillor Gray asked if the personal travel budget was available for all those students living more than 3 miles ways from their place of study, or was it only available for SEND students?
- It was confirmed that it would be available only for SEND students (with or without EHCP) and, those students with mobility issues would also be considered;
- Sarah Clarke noted that the policy stated that transport assistance could be withdrawn as a result of long-term absences. She was concerned that sometimes children were late to school for reasons that were beyond their control, such as buses being late or having to attend medical appointments. She also asked if a family would have the option of opting for a personal travel budget even if a seat was available on a bus;
- Zoe Storey stated that decisions would be based on evidence received;
- Officers were asked to make it clear that decisions would be made on a case by case basis and that transport assistance would not be removed without due consideration of the evidence;
- In relation to the question about opting for a personal travel budget instead of a fare paying seat on a bus, Zoe Storey stated that the Council would offer the most cost effective option;
- Sarah Clarke expressed concern that this decision did not promote training for independent travel and preparedness for adulthood;
- Members felt that in order to promote independence, it was important to offer the flexibility of opting for the personal travel budget;
- The Chairman sought reassurances that the new arrangement would fully cover the cost of transport for the post-16 cohort;
- Terri Walsh stated that according to SEND Voices calculations, the personal travel budget would not always cover the total cost of travelling, she gave an example of a child having to travel to Newbury;
- Rebecca Brooks explained that the numbers on the table in the report were the offer from the Council. There was the option to go through the appeals process to review the offer and take into account individual circumstances;

- Sarah Clark pointed out that the consultation papers had not included the table with figures, so parents were not able to make informed comments. She suggested that paying for mileage would be fairer and asked how the figures were calculated?
- Ming Zhang agreed to review this point;
- Rebecca Brooks informed that the payment offered was benchmarked against other local authorities and was considered standard in the industry;
- Sarah Clarke pointed out that the local provision for the post-16 cohort was very different from that offered at other local authorities.

The following comments were made in respect of the issue of most suitable school:

- Councillor Cunnington was concerned that there was ambiguity in the wording in relation to the definition of most suitable school. He made reference to a statement in the policy that indicated that if the nearest most suitable school did not offer the chosen course, then transport assistance would not be given. He sought clarity around meeting the educational needs of a child. He gave the example of a child who may be gifted in music for whom the closest school did not offer music - would exceptional ability be considered an 'educational need' and therefore qualify for travel assistance?
- Ming Zhang explained that the Council had a finite budget with which to deliver its statutory duties and discretionary arrangements. The home to school transport budget did not cover broad educational needs;
- Terri Walsh made reference to the Post-16 transport and travel support to education and training – Statutory guidance for local authorities (January 2019) paragraph 29b; which stated that young people must have reasonable opportunities to choose between different establishments at which education and training is provided. She added that parents were anxious that the policy referred to a 'level' of education, which may mean that young people are forced to study a course of the right level but not of their choice;
- Councillor Gray drew attention to the fact that post-16 education was not comprehensive, and that some courses required as a prerequisite to entry a certain level of grades. Therefore, the closest school may not accept someone's application based on their achieved grades, and it may not be possible for a young person to attend their closest school;
- Rebecca Brooks agreed to review the legislation and ensure the wording in the policy was compliant with the national guidance. With regards to gaining place on a school based on grades, the definition of suitable school covered that situation, and there was no change in the policy on this point;
- Councillor Chadwick pointed out that Wokingham schools had a limited offer of post-16 courses and that some children had to travel to Bracknell or Farnborough;
- Councillor Pittock asked that the wording in the policy be changed, as it currently read, he believed it was limiting pupil's opportunities;
- Rebecca Brooks stated that there was no intention to change the current policy on this point, but there was agreement to review the wording;
- Councillor Howe confirmed that the Committee was minded to recommend a change in the policy to ensure that young people could attend the best possible course;
- Councillor Cunnington stated that post-16 education did not follow a set curriculum, it was based on individual choice and ability;
- Terri Walsh explained that the main concern was about the wording on page 113 where there was reference to 'suitable level of study' (in the starred last paragraph);

- It was ascertained that the CSO&S Committee had the power to make any recommendations to the Executive (including on changes to the policy). However, the Executive was the ultimate decision maker;
- Terri Walsh stated that there were concerns about independent travel training - parents had not been able to make informed decisions when responding to the consultation on this matter as there had not been specific detail provided;
- Zoe Storey explained that the intention was to develop and co-produce the independent travel training with SEND Voices before Christmas;
- Sarah Clarke advised that young people needed to have the training in the summer in order to be prepared for the start of term. She added that young people had not been consulted and should be allowed to have an input in the development of the training programme;
- Helen Watson confirmed that the intention was to co-produce the training programme with young people's input.

Members were in favour of the development of this programme of training for young people, and noted that this programme would be co-produced.

In response to a question, Zoe Storey stated that parents could appeal to have their offer reviewed by a panel if they believed that their offer was not fulfilling their child's needs.

The Committee was informed that future letters to parents would include information about how to contact Special Educational Needs and Disability Information Advice and Support (SENDIASS), who were able to support parents.

Terri Walsh asked that the wording in the policy be clearer to ensure that parents understood their right to appeal. She believed that parents were confused about their rights.

Councillor Howe asked who would be considering and determining the outcome of appeals? The policy mentioned a senior officer, and he wondered if this was the same person making the initial decision? Officers clarified that a senior officer was an officer at a higher grade. It was agreed that this point would be reviewed for the avoidance of doubt.

Councillor Chadwick was concerned about a mention of parents having to provide medical evidence within 20 days and the fact that this may not always be possible. Rebecca Brooks explained that there was flexibility in this timescale.

The following comments were made in relation to the consultation:

- It was established that there had been technical problems with the consultation and some people had not been able to submit their responses on the last day of the consultation;
- Zoe Storey confirmed that those families that had not been able to submit their responses because of this technical problem were able to submit their views in writing after the closing date;
- Terri Walsh stated that she was sent a pdf document which she was asked to send to parents. Parents would have had to print it off, write in their responses, scan it, and send it back within 24 hours, on the first day of summer holidays when they had childcare responsibilities. She did not believe they had been given a fair opportunity to put forward their views;

- There was no agreement between SEND Voices and Officers on the consideration of late consultation submissions;
- Helen Watson accepted that it was regrettable that there had been an issue with the consultation on a particular day. However, she reassured the Committee that every effort had been made to publicise the consultation with the community;
- It was agreed that there was a learning point from this experience.

In relation to the Equality Impact Assessment, the Chairman drew attention to difficulties that families with low disposable income (as opposed to low gross income) may be facing under the current cost of living crisis with home to school transport. He suggested that information about possible help available be made very clear in Council's communication.

Sarah Clarke agreed that those families that did not quite reach the threshold to qualify for low income help, who were previously just about managing, were now in a vulnerable position.

The Chairman made a point that it was important to make an effort engage with all groups of people in future consultations, including young people.

Sarah Clarke agreed and added that the consultation could be presented in a more user friendly way to encourage participation, for example by making it accessible on phones.

Councillor Gray added that in order to reach young people, the consultation would have to be presented in a different way.

The Chairman wished to place on record the Committee's appreciation to all of those who participated in the consultation, SEND Voices contribution and all the Officers involved in the development of the policies.

RESOLVED That the Committee:

- 1) Notes and endorses the fact that children who have been awarded travel assistance under the current policy will not have their support withdrawn upon the implementation of the new policy. Changes will continue to occur only when there is a change in circumstances or when a milestone is reached and a re-assessment takes place;
- 2) Notes that the robust mechanisms in place involving Children's Services, CTU and Adult Social Care Services will continue to ensure that vulnerable parents are adequately supported, including in navigating this complex home to school transport system;
- 3) Notes that SEND Voices advised that in order to promote independence and preparedness for adulthood, it is important to offer the option of a personal travel budget and not limit the offer to the most cost effective option;
- 4) Is in favour of the development of a programme of travel training for young people, and noted that this programme will be co-produced;
- 5) Notes that there have been technical difficulties with the consultation and that lessons have been learnt for future consultations;
- 6) Makes the following recommendations to the Executive:

- a) To continue the provision of travel assistance for children under the statutory school age;
- b) To continue the provision of discretionary arrangements and that the wording about it be made clearer in the policy;
- c) That an effort be made to improve communication with parents about any changes to their entitlement to home to school transport assistance; and
- d) That Officers review the calculation of the personal travel budget for post 16s, with the objective of covering all related costs, and explain how the figures were calculated.