

TITLE	Home to School Transport Policy (5-16years) and Travel Assistance Policy (16 years + with SEND) Consultation and Home to School Transport Appeals Process Update
FOR CONSIDERATION BY	Executive on Thursday, 25 March 2021
WARD	None Specific;
LEAD OFFICER	Director, Children's Services - Carol Cammiss
LEAD MEMBER	Executive Member for Children's Services - UllaKarin Clark

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

The purpose of this report is to:

1. Provide Members with an overview of the key outcomes from the public consultation on the proposed new Home to School Transport (5-16 years) and Travel Assistance policy (16 years +).
2. Seek agreement to amend the current Home to School Transport Appeals Process to ensure it is compliant with the national regulations.

RECOMMENDATION

That the Executive:

- 1) note the content of this report following the public consultation on the proposed drafts of the HST and Travel Assistance policies (a further report will be presented at a later Executive with recommendations for changes to the existing policies);
- 2) agree the amended arrangements for Home to School Transport Appeals, to ensure that WBC is compliant with national requirements (following the Ombudsman direction).

EXECUTIVE SUMMARY

Context.

In May 2020, a review of Wokingham's current HST and Travel Assistance policies was carried out. The review indicated that there were opportunities to update Wokingham Borough's Home School Transport policy and Travel Assistance policy and that this would improve outcomes for children and young people in Wokingham, particularly those with special educational needs and disabilities (SEND).

A Cross-party engagement exercise of elected Members and key stakeholders including representatives from the Parent Carer Forum (SEND Voices Wokingham) was undertaken, additionally review of practice and policies in other local authorities was carried out.

Over the course of Summer 2020 two revised **draft** policies were written outlining potential updates and strengthening to the existing policies.

Following the process set out above, there is a legal requirement to undertake a formal public consultation on the proposed (revised) areas of the policies. The consultation was undertaken between 18th September and 6th November 2020 and sought views from current service users (a legal requirement), professionals working across different services for children, young people and families in Wokingham, plus all Wokingham residents.

In very general terms, the majority of respondents disagreed that the Council should exercise its options to cease elements of discretionary transport provision. However, respondents also made several suggestions around opportunities to strengthen arrangements for independent travel.

Home to School Transport Appeals Process.

This report also makes the recommendation to adapt the current Home to School Transport Appeals process.

The changes recommended are:

Move from the current model of Two Panels (**One at Stage 1 and again at Stage 2**)

The recommendation is: To move to a single Senior Officer response at **Stage 1** and a Member Panel at **Stage 2**.

This will ensure that WBC is compliant following a ruling by the Local Government Ombudsman in 2020.

BACKGROUND

Initial engagement with a cross-party representative group of elected Members and Senior Council Officers provided a clear direction for this work and specifically what revised policies for Home to School Transport and Travel Assistance should look to address.

Members asked officers to consider the potential for clarifying the policy wording and eligibility criteria; to explore opportunities for strengthening Wokingham's approach to independent travel; and to ensure that the Council's provision of its' Home to School and Home to College transport arrangements were in line with the legal responsibilities and statutory duties, and that they should be financially viable and sustainable. These considerations helped to inform the wording of the consultation draft policies and shaped the questions for the public consultation document.

As a Council we want to make sure we continue to deliver our statutory responsibilities for home to school transport so that we continue to meet the travel needs of children and young people, enabling them to access their place of education in a timely travel time and safely.

The Council is aware of their legal duties in this area and acknowledge that without suitable arrangement some of the borough's children and young people would be unable to access their school or college, especially those who have significant additional needs, or those deemed extremely vulnerable who attend highly specialist provision outside of the Borough.

Policy Review

Historically there has been increased pressure on the Home to School Transport budget, and because of additional statutory burden following the introduction of the Children and Families Act 2014 a subsequent and significant additional demand on Home to transport requirements.

The policy review forms one part of a broader programme of work to address wider systems issues for example: SEND sufficiency of placements, Inclusion agenda in mainstream provision and some technical route optimising to ensure all transport links are more effective and efficient.

Consultation

If any proposed changes are being considered to the published policy for Home to School Transport, the Council has a statutory duty to consult with parents and carers', young people and providers in respect of any such proposals.

In line with the statutory duty a consultation process was undertaken between 18th September and 6th November 2020. This consultation was undertaken in addition to the initial engagement with Elected Members. The Corporate Communications Team assisted in both the development and delivery of, the consultation and it was promoted to all parents and carers via school community emails, social media, consultation briefings/meetings and via community groups. In line with our legal

requirement, we also widely promoted the consultation to existing users of the service, and the parent and carers' of children with SEND.

Consultation Respondents

We had a total of **76 respondents** to the consultation, **89%** of these were parents of school age children.

77% of respondents reported that their child/children had transport/travel assistance currently provided by the council.

36% of respondents have transport/travel assistance currently provided by a parent or carer.

In addition, to the above a further response was received by SEND Voices Wokingham (Statutory Parent and Carer Forum), and a formal response was submitted from the Liberal Democrat Group.

Summary of Themes/Questions/Responses

The table below shows the themes on which the questions were based, these are the four areas where there is some small discretionary aspect to the overall Home to School Transport legal requirements and the Travel Assistance legal requirements.

Theme	Summary of questions asked	Summary of responses
Discretionary transport for children under the age of 5	The council has the option to cease to provide free HST to an infant or primary school for children under the age of five, where a child is deemed as eligible once they turn 5 years of age – to what extent do you Agree or Disagree with this approach?	<ul style="list-style-type: none"> • 64% of respondents disagreed with ceasing to provide discretionary transport to under 5s who are deemed as eligible once they turn 5. • 66% of respondents said they agreed that the Council should provide discretionary transport to under 5s deemed eligible for transport at the age of 5.
Discretionary transport for a child turning 8 years	Wokingham has the option to cease to provide HST at the end of the term in which a child turns 8 years old, where the child has been eligible due to living more than 2 miles (but less than 3 miles from their nearest school). To what extent do you Agree or Disagree with this Approach?	<ul style="list-style-type: none"> • 81% disagreed with this approach. • 78% said they agreed that the Council should continue to provide HST to the end of the academic year in which a child turns 8, where the child has been eligible due to living more than 2 miles but less than 3 miles from their nearest school.
Continuing provision for young people aged 17-18 who	The Council could continue to provide home to school/college travel assistance for young people	<ul style="list-style-type: none"> • 72% Agreed provision should continue under these circumstances; • 75% Disagreed that the Council

meet criteria under existing policies	ages 17-18 who meet the eligibility criteria under our existing policies. To what extent do you agree with this approach?	take up the option to cease to provide ordinarily home to school/college travel assistance for young people ages 17-18 (whilst promoting the Student Fare Card Scheme, 16-17 Saver and Disabled Person's Bus Pass Scheme to all post 16 students).
---------------------------------------	--	--

Next Steps

Based on all the feedback and the Councils legal responsibilities we will produce a final recommendation on policy changes with implications and benefits of each proposed policy change for both the Home to School Transport Policy and the Travel Assistance Policy to later Executive for decision.

Home to School Transport Appeals

During 2020 there were a number of complaints raised with the Local Government Ombudsman regarding the process of Appeals adopted by Wokingham Borough Council.

In effect, the Policy at the time prohibited appellants from accessing a Stage 2 hearing if they disagreed with the outcome of any Stage 1 (with the exception of if it was felt a process issue had been contravened). The Local Government Ombudsman ruled that this frustrated the ability of parents and carers to appropriately challenge decisions of the Council in respect of Home to School Transport.

Immediate adaptation was made to remove the elements of the policy to make it legally compliant, however this has an impact on process and capacity requirements to manage appeals.

We are proposing to amend the Appeals arrangements to move from:

- Officer panel at Stage 1 and Stage 2 Member led panel to
- Senior Officer response at Stage 1 and Member led panel at Stage 2

This will increase the ability for closer scrutiny of actions taken that have led to appeals and allow for more expedient responses. It is envisioned that this will also reduce the capacity demand on colleagues within Democratic Services.

Recommendations

Agree the amended arrangements for Home To School Transport Appeals (as detailed above), to ensure that WBC is compliant (following Ombudsman direction).

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	N/A for this report		
Next Financial Year (Year 2)	N/A for this report		
Following Financial Year (Year 3)	N/A for this report		

Other Financial Information

As this report focuses on the outcomes from public consultation on proposed new HST and Travel Assistance Policies, there are no financial implications arising directly from this report.

Stakeholder Considerations and Consultation

The policies have been developed with input from stakeholders across Council Departments and services, in order to accommodate the interdependencies between these proposed new policies, and other council policies and services, and assess the impact of the new policies on a range of council services and processes.

Public Sector Equality Duty

An Equality Impact Assessment is being developed in parallel with the Home to School Travel policy for children aged 5-16, and Travel Assistance Policy for young people aged 16+ with SEND. This is being done to ensure that as the policies take shape, they develop with appropriate regard to the public sector Equality Duty.

Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030*

There is no impact on the climate emergency at this stage, however it should be noted that having improved arrangements for Home to School Transport should result in reduced transport emissions and therefore contribute to the Borough achieving carbon neutral status by 2030.

List of Background Papers

- Appendix 1: Proposed Home to School Transport Policy for statutory school age children (draft submitted for formal public consultation)
- Appendix 2: Proposed Travel Assistance policy for young people 16+ with SEND (draft submitted for formal consultation)

Contact Sal Thirlway	Service Learning Achievement and Partnerships
Telephone Tel: 0118 908 8238	Email sal.thirlway@wokingham.gov.uk