



CHILDREN AND LEARNING OVERVIEW & SCRUTINY COMMITTEE

Subject Heading:

Title Implementation of SEND reforms under the Children and Families Act 2014 – SEND Transport (b)

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Policy context:

- **London Borough of Havering: Home to School/College Transport Policy**
- **Education Act 1996**
- **Children and Families Act 2014**

SUMMARY

The Local Authority needs to respond to new legislation and to face a range of challenges arising from both an increased population and an accompanying growth in its number of Children and Young People with Special Educational Needs (SEN). It needs to make more SEN provision within the borough whilst also keeping this within existing resources, in spite of rising costs and growing demand. It is planning to increase capacity in its own schools through the creation of additionally resourced provision for a range of needs, located in strategic areas of the borough. It is also planning to create more capacity in special schools through the use of off-site units.

Since the implementation of the Children and Families Act (2014) the LA has a range of new responsibilities, particularly in respect of post 19 students. It faces increased costs, not least in transport. It is therefore proposing a review of its Home to School/College Transport, with a view to securing best value. This will also help the LA to explore how align its new SEN developments in a way that reduces transport expenditure.

This report sets out:

- The rationale for a transport review.
- A brief legal framework and statutory guidance around school/college transport and the legal definition of eligibility.
- The proposed focus within this review, including the methodology and consultation
- Plans to further improve our services and performance against indicators

RECOMMENDATIONS

Members are asked to note the Report contents.

REPORT DETAIL

CONTEXT AND RATIONALE

The London Borough of Havering has been experiencing a range of changes over the past few years, particularly in terms of its demography, including a changing school population, both within and across phases. In common with other London Authorities, it is facing the challenges arising from the continuing expansion in its pupil population, with a bulge in the primary sector, leading to shortages of places, soon to feed through into the secondary phase. 20% of this population are likely to have special educational needs (SEN), 2 to 3%, of whom, will have Complex Needs (CN), requiring an Education, Health and Care Plan (EHCP).

Statutory Duties and Responsibilities

In Havering, this translates into around 1000 to 1500 of Children and Young People (CYP) aged 0-16, being issued with EHCP, with a growing number presenting with an increasing complexity, severity and diversity of needs. The Children and Families Act (2014) has added new duties and responsibilities to all LAs, introducing the provision of personal budgets. It also extends LA responsibilities to include SEN provision for Young People from 19 to 25.

The Education Act 1996, as amended by the Education and Inspections Act 2006, requires all local authorities to produce a Sustainable Modes of Travel (SMoT) Strategy to meet school travel needs for all Young People up to the age of 25. Section 508B places a duty on LAs in England to make suitable free travel arrangements for eligible children as they consider necessary to facilitate their attendance at school; Schedule 35B provides the definition of an “eligible child”.

Eligible children include:

- Children with special educational needs
- Children with a disability or mobility problems
- Children who could not reasonably be expected to walk to school because of the nature of the routes
- Children outside walking distance where no suitable alternative arrangements have been made, and
- Children eligible for free school meals or whose parent receives the maximum rate of working tax credit

Determining “eligibility” is complex and is increasingly becoming an area of work subjected to close legal scrutiny, including judicial review.

Havering has, of course, been making home to school/college transport to children and young people considered to be eligible, for a number of years. With the recent implementation of the Children and Families Act (2014) which came into force last September, it is now considering how

it might offer personal budgets as one of the ways of making transport provision for those eligible. However, it is also opportune to review how eligibility is assessed, particularly in terms of its rigour, the quality controls and the appeals procedures. This is to ensure that the LA continues to meet its statutory responsibilities whilst also making the most effective use of its diminishing resources.

Financial Issues

The introduction of “eligibility criteria” which include social deprivation factors on top of SEN and mobility needs, and a move away from just a single focus on distance, has meant that most LAs now face additional expenditures on transport. Such expenditures are funded from the LA’s Base Budget and not from its Dedicated Schools Grant (DSG) so that it receives no additional funding from Central Government for this function. Although inflation has remained low over the past few years, Havering continues to face increases in its transport costs, year on year, particularly due to the fact that it has a growing population of children and young people with SEND.

SEND TRANSPORT STRATEGY

Havering’s strategy is being developed with consideration of the Council’s policies and objectives and of Government guidance and aspirations to reduce dependency on cars and other means of transport for school travel and to encourage healthier modes of travel and transport.

The Council’s vision is to provide children and young people with access to a choice of sustainable modes of transport to school to achieve health and environmental benefits in the borough and its community. Its objectives are:

- To encourage children and young people to have a healthier lifestyle by encouraging and promoting walking and cycling for all or part of journeys to and from school.
- To contribute to make Havering a safe, clean and green borough with more travel choices for all children and young people, by tackling congestion, improving safety, reducing pollution, and encouraging walking and cycling and greater use of safer and more reliable and accessible public transport.
- To reduce car-borne school transport and to increase walking, cycling, and the use of public transport; where car-use is necessary to reduce single passenger journeys and achieve greater car-sharing.

The Council is committed to raise the numbers of those who walk or cycle to school regularly and aims to increase and improve cycle and walking pathways. It recognises that reliance on the car is at the expense of the healthier alternatives of walking and cycling and has contributed to obesity, congestion, stress and pollution.

In Havering, most children either walk or cycle to school, use public transport or are taken by their parents. Where public transport is used within the London area children and young people are entitled to free or discounted travel.

Planned Developments

Havering has a policy of inclusion and is committed to making provision for children and young people with SEN as close to home as possible, in the local community. However, it only has 3 special schools for Complex Needs, namely at Dycorts, Corbets Tey and Ravensbourne, serving 3 different areas of the borough. It also has a total of 8 Additionally Resourced Provision (ARP), distributed across the borough, There are 2 ARPs for those children on the Autistic Spectrum (ASD), located at RJ Mitchell (Primary) and Hall Mead (secondary), with another 2 for Language

at Mead (Primary) and Redden Court (secondary). There is one for Visual Impairment at Crownfield (Primary) whilst there are 2 for Hearing Impairment at Hacton (Primary) and Sanders (Secondary). There is also a Learning Support Centre to support children and young people with behaviour issues based at Hilldene. Children and young people therefore require to travel, some undertaking longer journeys, particularly where there is only one specialist facility serving the whole of the borough, e.g. children and young people with ASD attending RJ Mitchell or Hall Mead; children and young people with VI attending Crownfield or indeed those with HI attending Hacton or Sanders.

Havering is considering increasing its SEN provision in order to meet the needs of its expanding population. It is considering an increase in the number of ARPs whilst also expanding capacity in its special schools. It is therefore timely for the LA to review its SEN Transport Strategy so that this may be reconciled with its planned developments, with the aim of securing Best Value.

METHODOLOGY

The LA proposes to review the way in which eligibility is determined and the procedures followed, including the decision making and appeal processes, in addition to the quality controls. It will also look at how budgets are allocated by phase, both within and outside of the borough.

The review will comprise:

- An analysis of overall expenditure; with a focus on pre 16, post 16 and post 19 expenditure within the borough, including similar analyses by phase in respect of out-borough expenditure.
- A forecast of how new responsibilities for post 19 students are likely to impact on travel costs.
- An analysis in respect of the number of pupils, the frequency and distribution by age and area, the types of needs and the number of allocations made not on distance but on eligibility, including the consideration of social deprivation factors.
- Evaluation of the Decision making processes, from initial screening through to final decision making, and the criteria used to determine eligibility.
- The types and number of journeys involved, including the number of routes and vehicles
- The uses of alternatives to travel, including travel solutions such as walking buses, travel training, etc.
- An assessment of how additional resources such as increased capacities in special schools and ARPs might reduce transport expenditure.

The review will also look at the LA's Home to School/College Strategy and consider any areas that might require revision in light of the new legislation, particularly in terms of any new practices that might arise from its implementation, e.g. the provision of personal budgets for transport.

The LA intends to consult with parents, schools and other providers in order to seek their views on how it can best plan for the future. It will work closely with transport officers and providers with a view to securing best value.

The consultation will include the rationale for the review, the relevant analyses and an appraisal of the options available. It is envisaged that the review will take around 12 months to complete, and will begin this year. The review is intended to promote equality and reduce financial risks whilst also ensuring that the LA fulfils all its statutory functions effectively. It will therefore also serve to reduce risks in each of these areas.

CONCLUSION

The LA will conduct a systematic transport review aimed at enabling it to fulfil its statutory duties and responsibilities within the most effective use of its resources. It is proposing to create additional SEN capacity within the borough to meet an increasing range of needs. This will have an impact on how it provides home to school/college transport. A review, carried out in full consultation with key stakeholders, will enable it to secure best value, at a time when the LA is having to respond to increased demand and pressures within its diminishing resources.
