



**Havering**  
LONDON BOROUGH

## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	Home to School Travel Assistance Policy Refresh 20-21
<b>Cabinet Member:</b>	Councillor Robert Benham, Cabinet member for Education, Children & Families and Deputy Leader of the Council
<b>SLT Lead:</b>	Robert South, Director of Children's Services
<b>Report Author and contact details:</b>	Amy Reed, Senior Commissioner and Project Manager, 01708 431858, <a href="mailto:Amy.Reed@havering.gov.uk">Amy.Reed@havering.gov.uk</a>
<b>Policy context:</b>	The Education Act 1996 requires local authorities to make such suitable and free travel arrangements for 'eligible children' as they consider necessary to facilitate attendance at school and this duty underpins the policy.
<b>Financial summary:</b>	Expenditure on home to school travel assistance is not currently within budgets. There are MTFs savings identified for the project, which this activity is expected to contribute towards.
<b>Relevant OSC:</b>	Children and Learning
<b>Is this decision exempt from being called-in?</b>	Yes

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**The subject matter of this report deals with the following Council Objectives**

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

## **Part A – Report seeking decision**

### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

This decision is seeking approval to:

- 1) A revised proposed statutory Home to School Travel Assistance Policy for the 20-21 academic year as attached at Appendix A and;
- 2) Commence a consultation on the content of the proposed policy.

### **AUTHORITY UNDER WHICH DECISION IS MADE**

Part 3 section 3.3 Powers of Members of the Senior Leadership Team

- (a) To take any steps necessary for proper management and administration of allocated portfolios.
- (b) To make arrangements to secure continuous improvement in the way the Council's functions are exercised having regard to a combination of economy, efficiency and effectiveness etc. as required by external regulatory agencies.

Para 3.5.3 Assistant Director of Education Services

(dd) Transport

- (i) To determine, maintain and keep under review a policy on transport arrangements for school pupils and other eligible students.

### **STATEMENT OF THE REASONS FOR THE DECISION**

#### **1. Executive summary**

- 1.1. This decision is seeking approval to refresh the statutory Home to School Travel Assistance Policy for the 20-21 academic year, which clarifies areas and makes refinements to strengthen certain sections, and hold a consultation on the content before implementing the revised policy.

#### **2. Statutory duties**

- 2.1. The Education Act 1996 requires local authorities to make suitable and, where eligible, free travel arrangements for 'eligible children' as they consider necessary to facilitate attendance at school and this duty underpins the policy.
- 2.2. The policy is written in conjunction with the:

- Education Act 1996

- Special Educational Needs and Disabilities 0-25 years Code of Practice 2014
- Home to School Travel and Transport Guidance 2016
- Post 16 Transport to Education and Training 2019

2.3. The Home to School Travel Assistance Statutory Guidance 2014 under section 52 sets out that local authorities should consult widely on any proposed changes to their local policies with all interested parties. Such consultations should last at least 28 working days during term time.

2.4. Good practice suggests that the introduction of any changes should be phased-in so that children who start under one set of transport arrangements continue to benefit from them until they either conclude their education at that school or choose to move to another school.

2.5. The plans included within this decision paper include consideration of the above clauses in the statutory guidance.

2.6. The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- The need to advance equality of opportunity between persons who share protected characteristics and those who do not and;
- Foster good relations between those who have protected characteristics and those who do not

2.7. Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

2.8. The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

### **3. Annual refresh and practice**

3.1. The policy has been updated and consequently updates have been made to further clarify the policy and Council practice and refinements have been made to bring the policy in line with the latest publish of the statutory guidance for this service.

3.2. As part of the refresh, there will continue to be improvements made to the Council practice to bring this in line with the new policy and enable more efficient practice and a better service for residents.

### **4. Proposed changes to the policy**

4.1. None of the travel assistance options available to children and young people will be changing as part of the refresh of the policy. The options will continue to be the following:

- A free space on the travel training programme to build confidence travelling and gain the skills required to do so independently, or with support
- Reimbursement of fuel for an identified person to perform a maximum of four journeys per day
- A seat on a bus with pick up at a designated meeting point
- A seat on a bus with pick up outside of the dwelling
- A taxi

4.2. However, the refreshed policy will provide clarity in areas including:

- 4.2.2 New principles that underpin the implementation of the policy, including the encouragement for communities to work together, the expectation that generally students are expected to be accompanied to school unless there is a good reason not to, and to promote flexibility in the use of Council provision to alleviate pressures.
- 4.2.3 Clarity over how the Council will assess applications for travel assistance for students under the age of 16 and regarding the mode of travel assistance offered.
- 4.2.4 New sections which update the assessment of eligibility and mode of travel assistance provided to students aged 16-18 and aged 19-25 to bring this in line with the statutory guidance and provide clarity to the public.
- 4.2.5 New sections which enable the authority to only provide travel assistance to those over the age of 16 who apply and whom are not eligible for any other available assistance from community resources or bursary funds that have been deemed to meet their travel assistance needs.
- 4.2.6 New clauses which enable the Council to investigate suspicion of fraudulent applications or fraudulent information provided during the assessment of eligibility, or fraudulent uses of government resources such as Motability vehicles.
- 4.2.7 Clarity that the Council will support children under 5 under the discretionary clause where the Council's assessment concludes a need for travel assistance to be provided.
- 4.2.8 The new provision of information, advice and support provided by the Council to those applying for post-16 travel assistance to support them to investigate and/or arrange access to community resources and bursary funds, as required, before post-16 travel assistance is assessed from the Council.

4.2.9 The new arrangement which enables parents/guardians to make verbal representations at stage 2 of the appeal process, in line with statutory guidance.

4.2.10 The new arrangement of telephone or face-to-face assessments taking place following an application made for travel assistance. The Council reserves the right to refuse to progress the application if a parent/guardian refuses an assessment.

4.2.11 The new exclusion area which clarifies the Council's position that students are expected to be accompanied to their place of education by parents/guardians where necessary unless there is a good reason why it is not reasonable to expect the parent to do so, and that the Council may take into account individual family work commitments, childcare arrangements, caring responsibilities and/or inconveniences to a parent/guardian in transporting their children to school, but only if there is good reason to do so and appropriate evidence can be provided. Accepted evidence will include evidence of working hours and the employer's flexible working policy. A new section has also been added which clarifies Council practice that, in relevant circumstances, the Council will advise parents/guardian to:

- Look for breakfast or after school clubs so drop-off and pick-up times fit in with working hours
- Use alternative care options available, such as a childminder or au pair
- Take up the statutory right to flexible working hours

## **5. Reasons**

5.1. The service cannot continue to be provided within current budgets. The Council's budget for travel assistance for children and young people is £2.67m and expenditure for 2019-20 is forecasted at £3.46m.

5.2. Demand for travel assistance is increasing and applications received during the 19-20 renewal period have risen by almost 70 compared to last year.

5.3. Table 1 highlights the continued overspend on budgets for this service over the last three financial years, which highlights the need to respond differently to the needs of the borough.

Table 1: Budget and overspend for the past three financial years

Financial year	Budget	Actual (or forecasted) spend	Overspend
2017-18	£2,921,750	£3,350,566	£428,816

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2018-19	£2,811,890	£3,241,480	£429,590
2019-20*	£3,023,740	£3,465,310	£441,570

5.4\*The travel assistance budget has received one-off money from Council reserves of £350k for 19-20, which will contribute towards off-setting the overspend for 19-20. Without this, the overspend was forecasted at approximately £790k for 19-20.

5.5The most frequently accessed mode of travel assistance has consistently been the provision of a seat on a passenger transport bus. However, due to robust practice against the policy in 19-20, a shift has been seen onto other modes of travel assistance to meet people's needs.

Table 2: Modes of travel assistance accessed over the past two academic years

Mode of travel assistance	Percentage 18-19	Percentage 19-20	Change
Passenger transport	65%	68%	+3%
Taxi	28%	18%	-10%
Fuel reimbursement	4%	8%	+4%
Travel training	2%	5%	+3%
Exceptional/multiple	0%	1%	+1%

5.6Although the service provision is shifting to more sustainable and personally enabling modes of support, demand for travel assistance is increasing and the SEND population is projected to increase over the next five years.

5.7Data from the last three financial years suggests that for every four new students approved on passenger transport, a new bus is arranged. The addition of a new bus costs on average £77k per year. This is one of the key reasons for the Council looking to meet people's needs differently by increasing the uptake of other forms of travel assistance.

Table 3: Demand and expenditure shift over the past three financial years

Difference over the last three financial years		
Topic	Amount	%
Annual cost of buses	+£540,390	+28%
Total no. of students on buses	+31 students	+10%
Total no. of bus routes per year	+7 bus routes	+20%

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Unit cost of students on buses (per client per year)	+£1,301.57	+20%
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5.8 There is a need to change the way that travel assistance is provided with a more flexible service that is able to meet changing demand, and one that promotes resilience and independence in the community.

5.9 By applying the proposed policy and adding clarity/making refinements to areas, the expected outcomes are:

- Give the Council greater control over the assessment of eligibility
- Protect the Council from instances of fraud and allow greater powers to investigate submissions of fraudulent information
- Meet statutory guidance, best practice and case law surrounding the service, policy and practice
- Bring practice/policy closer in line with other London Boroughs, which is of importance due to the provision of free TFL for London Boroughs
- Provide a more personalised service to residents and transparency over how the Council operates
- Manage demand and expenditure through more efficient use of resources
- Cost efficiencies and direct reduction of expenditure

## **6 Consultation**

6.4 The Home to School Travel Assistance Statutory Guidance 2014 at paragraph 52 requires that local authorities should consult widely on any proposed changes to their local policies with all interested parties. Such consultations should last at least 28 working days during term time.

6.5 Good practice suggests that the introduction of any changes should be phased-in so that children who start under one set of transport arrangements continue to benefit from them until they either conclude their education at that school or choose to move to another school.

6.6 It is proposed that the Council run a consultation on the changes to policy which lasts for 38 calendar days (28 working days during term time).

6.7 The consultation will consist of opportunities for respondents to provide feedback via:

- Online
- Face-to-face sessions (specific meetings and coffee mornings)

6.8 The consultation will include engagement with the following parties:

- Young people via Havering Young Advisors via Advocacy for All
- Parents via parent partnerships/groups, the Local Offer and resident communication
- Schools
- Residents via the Council's communication channels



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- Council departments including, but not limited to, the Children and Adults with Disabilities Team, SENDIASS, Adult Social Care, Education Services, School Admissions and Local Offer

6.9 The Council's Public Consultation Policy 2016 has been used to develop the detailed consultation plan.

### **7 Proposed implementation of changes**

7.4 Due to how there are no changes to the modes of travel assistance offered under the proposed policy, it is proposed that the policy is applied to all students as part of the routine annual renewal of applications required each year, before the start of the next academic year.

7.5 However, due to how the updated policy applied by the Council may lead to some students no longer receiving travel assistance when they were previously receiving this, the Council may agree to a 'phased reduction' of travel assistance to an alternative agreed method of travelling to the place of education. This will be assessed on an individual basis depending on the circumstances.

7.6 This will typically only be granted for one half term and the Council will have full discretion over whether a 'phased reduction' is granted and will have discretion over whether the summer holiday period or half-termly breaks are sufficient time for a phased reduction.

7.7 The Council will have full discretion to determine whether there is a need for a student to continue on their current arrangements until the end of their education, but only if there is good reason to do so.

7.8 The Council will also have discretion over whether to apply the 'phased reduction' of travel assistance to those moving from one mode of travel assistance to another in the new academic year following the implementation of the updated policy, but this will not be standard practice. This will be assessed on an individual basis.

7.9 Under a separate decision making process, a request for investment funding for an assessment officer has been proposed in order to enable the Council to implement the updated policy. The new role is designed to provide a specific means of completing robust and personalised assessments of students in order to determine eligibility and the most appropriate mode of travel assistance offered, to ensure practice against the updated policy is applied. The officer will also have a role in supporting those on a 'phased reduction' plan to alternative methods of travelling to their place of education.

### **8 Timeline**

Milestone	Completion date	Duration
Non Key ED to proceed with 20-21 policy & consultation signed off	01-Nov to 10-Dec-19	5 weeks

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Consultation period	06-Jan to 12-Feb-20	38 days (28 working days during term time)
Evaluation of consultation	12 to 14 Feb-20	1 week
ED for final decision submitted and signed off	17-Feb-20 to 17-Mar-20	1 month
Policy published and applications open	Mid-Mar-20	
Promotion period	Mid-Mar to Mid-May 20	11 weeks
Applications assessed as accepted/rejected and mode of travel assistance agreed in principle	Mid-Mar to 22-Jun 20	14 weeks
Applications close and outcomes communicated	22-Jun-20	
Appeals period	22-Jun to 22-Jul 20	1 month

### **OTHER OPTIONS CONSIDERED AND REJECTED**

Option 1: Do nothing and do not refresh the policy. This is unsuitable, as a policy requires publishing every academic year.

Option 2: Refresh the policy with no refinements/areas of clarity. This is not recommended due to how analysis of needs, demands, expenditure and strategic direction, and outcomes of Local Government Ombudsman investigations and updated Home to School Travel Assistance Statutory Guidance, the areas included in the policy for 20-21 have been deemed essential to propose.

### **PRE-DECISION CONSULTATION**

Aspects of the proposed policy and consultation plan have been discussed with the following stakeholders:

- Senior management
- Travel Assistance Assessment Panel
- Children and Adults with Disabilities Team
- School Admissions
- Legal
- Equality and Diversity
- Finance
- Positive parents and parent/guardian members affiliated with the group
- Havering Young Advisors via Advocacy for All
- Communications

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**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Amy Reed

Designation: Senior Commissioner and Project Manager

A handwritten signature in black ink, appearing to read 'Amy Reed', enclosed within a thin black oval border.

Signature:

Date: 11 November 2019

## **Part B - Assessment of implications and risks**

### **LEGAL IMPLICATIONS AND RISKS**

The Council have various duties to provide travel assistance as set out in the body of the Report.

The proposed policy will continue to ensure that these statutory duties are met.

Statutory Guidance requires consultation on the proposed policy and therefore the proposal to consult meets this obligation.

The key elements of a lawful consultation are:

- that the proposals are made at a formative stage before final decisions are taken.
- That sufficient time and information on the proposals is given for consultees to respond meaningfully
- That the responses to the consultation are conscientiously taken into consideration by the final decision maker.

Provided there is compliance with these elements the risk of a successful challenge to the process are minimal.

### **FINANCIAL IMPLICATIONS AND RISKS**

It is believed that the proposed changes to the home to school travel assistance policy for children and young people should result in a reduction of the amount of children that Havering provide ongoing travel assistance to and this should result in a reduction in costs. At present these savings are unquantifiable as they are dependent on the applications that are received for the 2020/21 financial year. Savings that materialise are more than likely to be netted off against any increase in demand.

Demand for travel assistance is increasing and the SEND population is projected to increase which means demand for travel assistance is likely to increase over the next 5 years. The changes to the policy should help to manage the demand and keep the increase in demand as low as possible.

Funding has been requested through a Business Case submitted to the communities Theme Board to fund the proposed assessment officer, the proposed grade of the new post is still under evaluation and the outcome of the business case is still unknown.

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

## **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

It is both Council policy and recently renewed SLT direction/expectation that EqHIAs (Equality and Health Impact Assessments) are carried out when appropriate and in sufficient time to enable informed decision-making. As a basic rule, one should be undertaken whenever staff, service users, or the wider public are impacted by decisions or the intended or planned activity. The relevant template with guidance is available from [diversity@haverling.gov.uk](mailto:diversity@haverling.gov.uk) and the intranet and its purpose is to ensure a systematic approach to the task and to evidence that due regard is paid to any adverse impact on affected parties with protected characteristics. In addition to the nine protected characteristics, the assessment also looks at matters pertaining to health and socio-economics, respectively.

Another accepted way to demonstrate due regard is to produce minutes of meetings which clearly show equality implications of the intended activity were fully discussed and understood by decision-makers. The status of EqHIAs can be 'completed' or 'under development', with a view to completion before any final decisions are reached. Where legal challenges occur, completed EqHIAs can often become items of evidence in related proceedings. Finally, if an EqHIA is not to be carried out authors should state the reason in the equality section of their report. Do consult the corporate diversity advisor if clarification or support is needed.

### **Consultation**

Consultation with affected parties is essential to good practice. In terms of administrative law this has a specific meaning, and if done should be proportionate, fair, and inclusive. Sufficient time and information should be afforded to allow consultees to comment meaningfully on the matter in hand and the responses taken conscientiously into account by the decision maker.

**BACKGROUND PAPERS**

1. Draft (pre-consultation) Equalities and Health Impact Assessment

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**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

*Delete as applicable*

~~Proposal NOT agreed because~~

**Details of decision maker**

Signed



Name:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date: 11/12/2019

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on

13/12/2019

Signed



