

Report for: Cabinet – 8 March 2022

Title: Haringey School Travel Assistance Policy

Report authorised by: Ann Graham, Director: Children's Services

Lead Officer: Jackie Difolco, Assistant Director Early Help, Prevention and SEND, and Mary Jarrett, Head of Service SEND Services

Ward(s) affected: All

**Report for Key/
Non Key Decision:** Key Decision

1. Describe the issue under consideration

- 1.1 This paper reports on the proposed changes made to the current Special Educational Needs (SEN) Transport Policy now proposed to be renamed the Travel Assistance Policy and seeks Cabinet approval for public consultation on the proposed changes. Following consultation, a final draft of the policy will be submitted to Cabinet for approval prior to implementation.

2. Cabinet Member Introduction

- 2.1 I am pleased to introduce this report which is the result of a detailed policy review. Haringey Council has a statutory duty to deliver home-school transport for children and young people up to 16 years, post 16 years and adults learners in accordance with the Education Act 1996. The current policy is in need of updating to provide clarity on a range of areas including eligibility, procedures with the development of a new policy focusing solely on people requiring travel assistance who are aged 16 and over.
- 2.2 The policy review comprised of a small stakeholder group including officers from the SEND team, representatives from Special School Headteachers and a representative from the Haringey Parent Carers Forum. This has informed the updated draft and new policies attached as appendices. This report asks colleagues to approve public consultation of the two policies which will enable wider stakeholder feedback and input into the final policies for implementation.

3. Recommendations

Cabinet is asked:

- 3.1 To approve a consultation on the proposed changes to the Haringey Travel Policy (2018-2020) (Appendix 5) now proposed to be referred to as School Travel Assistance Policy, Children & Young People up to 16 years of Age (Appendix 2) and Post-16 School Travel Assistance Policy (Appendix 3). The consultation to be for a period of 12 weeks from 9 May 2021 to 31 July 2022.

3.2 To note that a report on the outcome of the consultation be brought back to Cabinet for a final decision on the proposed policy changes.

4. Reasons for decision

4.1 Local processes must have due regard to The Home to School Travel and Transport Statutory Guidance for Local Authorities July 2014 and Post 16 Transport and Travel Support to Education and Training Statutory Guidance 2019. Under the Act and the Guidance, the Council must consult widely with interested parties on any proposed changes to their home to school travel arrangements policy statements for children, young people and adult learners.

4.2 A key change is that the current School Travel Policy title has been amended to the 'School Travel Assistance Policy (Children & Young People up to 16 years of Age)' and 'Post-16 School Travel Assistance Policy'.

4.3 The main changes to the current policy are as follows:

- a) consideration of sustainability, focusing on the environment, emissions reduction, and promotion of independent travel options.
- b) creating a specific policy for young people aged 16-25, including information about external travel support.
- c) introduction of behavioural standards for children and young people using transport commissioned by the Local Authority.
- d) detailed explanation of the transport decision making process.
- e) standardisation of disputes and appeals process in accordance with statutory guidance.
- f) clarification regarding 'personal travel budgets' and how they are calculated.
- g) comprehensive application procedure and guidance.
- h) clarity around breakfast/ after school clubs and times when Haringey Council will provide transport.
- i) cut off deadlines for applications with exceptional circumstances included
- j) COVID-19 information in relation to home-school transport.

4.4 These policy changes will need to be subject to full public consultation via an on-line consultation form published on the Haringey SEND Local Offer web-site for a period of 12 weeks to ensure that families, schools and other parties have sufficient time to respond to the proposed changes.

4.5 The consultation will be promoted via the SEND Newsletter, Special Schools and Parent Carers Forum and a range of other relevant networks within the education, health and care sector.

5. Alternative options considered

Not applicable.

6. Background information

- 6.1 The current policy (Appendix 5) has been subject to internal review and external scrutiny and has been updated to take into consideration work undertaken via the SEN Transport Learning review (Autumn 2021), feedback from parents and carers via the SEND Home-School transport questionnaire and feedback received during the academic year 2020-21 regarding the Home School Transport Service.
- 6.2 To inform the refreshed policy for consultation, a stakeholder group including representatives from Special School Headteachers, Transport Staff and a representative from the Haringey Parent Carers Forum came together to review the current policy and make suggestions for proposed changes.
- 6.3 Haringey Council began a review of home-school transport arrangements in 2019 with a series of public meetings and review led by the, then Assistant Director for Early Help Prevention and SEND. The focus of the review were the dissatisfaction of SEND parents in relation to the following:
- a) Lack of clarity and flexibility within the policy.
 - b) Lack of involvement of parents with decisions made in relation to their child's transport
 - c) Lack of a clearly described dispute resolution process for Home School Transport.
- 6.4 The review was suspended during the coronavirus pandemic as home-school transport services were reconfigured during periods of school closure and lockdown.
- 6.5 Service improvement work in relation to provision of home-school transport continued throughout the pandemic with the introduction of new software to support the service and a staffing review. In 2021, the Council in-sourced the Transport Buddies service (who support young people by training them to travel to school and post 16 provision independently).
- 6.6 Subsequently, following an escalation of concerns regarding disruption to home-school transport in September 2021, the current Assistant Director for Early Help, Prevention and SEND chaired a learning review of home-school transport arrangements with key stakeholders including schools, parents, carer representatives, governors, transport providers and council officers from Procurement and the SEN Transport Team. The learning review identified a series of recommendations regarding operational and strategic service improvement including the following:
- a) revision and up-dating of the Travel policy with clarity given to the transport issues for those under statutory school age and those aged 16+.
 - b) consideration of a revision of policy to 'Transport Assistance Policy'
 - c) commissioning of transport providers for 3-5 years to create stability and sustainability.
- 6.7 The two policies have resulted from this improvement work and are designed to clarify the duties of the council, the responsibilities of schools and families and to create a fair, open and transparent set of criteria and expectations regarding the provision of home-school transport. (Refer to Appendix Two: Haringey Travel Assistance Policy 5 – 16 and Appendix Three: Haringey Travel Assistance Policy 16+)

6.8 Proposed questions for consultation have been drafted. (Refer to Appendix Four: Proposed Consultation Questions).

7. Contribution to strategic outcomes

7.1 The objectives of the Assisted Travel policies are aligned with the priorities within Haringey's Early Help Strategy and the 'Borough Plan – Priority 2 (People)' specifically:

- Happy childhood: all children across the borough will be happy and healthy as they grow up, feeling safe and secure in their family, networks and communities
- Every young person, whatever their background, has a pathway to success for the future
- All adults are able to live healthy and fulfilling lives, with dignity, staying active and connected in their communities

7.2 Haringey has published a Draft Walking and Cycling Action Plan (WCAP) for consultation to cover the years 2021- 2031 which closed on the 10 January. Two key aspirations within the WCAP are to promote walking and cycling as natural choices and to improve the wellbeing of residents. The Assisted Travel policies will contribute to these outcomes by promoting both walking and cycling as beneficial independent travel choices for children and young people who no longer require support and able to travel to their place of learning independently.

8. Statutory Officers Comments (Director of Finance (procurement), Head of Legal and Governance, Equalities)

Finance

The recommendation to commence consultation will not give rise to any financial implications. Any future decisions arising as a result of the consultation will be considered as they arise. The authority currently has a budget of £4556,420 for travel assistance, which has been under pressure. The cost implications of the proposals subject to consultation here will not be clear until the policy is decided after this process and it is implemented. However, it is expected to not cost more than the existing arrangements.

Procurement

Strategic Procurement notes the contents of this report and confirms there are no procurement related matters that would prevent the Council agreeing the recommendations stated in this report.

Legal

Under Section 508B of the Education Act 1996 (the Act) (*travel arrangements for eligible children*) local authorities must provide free school transport to facilitate attendance at school for the following categories of eligible children of compulsory school age (5-16) in the authority's area; children whose nearest suitable school is: beyond 2 miles (if below the age of 8); or beyond 3 miles (if aged between 8 and 16); children that cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability; children who cannot reasonably be expected to walk to nearest suitable school because the nature of the route is deemed unsafe to walk; children entitled to free school meals or their parents are in receipt of maximum Working Tax Credit etc.

Under Section 508C of the Act (*travel arrangements etc for other children*) local authorities have discretionary powers to provide transport for children who are not eligible to free transport.

Section 509A of the Act (*travel arrangements for children receiving early years education otherwise than at school*) confers on local authorities a discretionary power to provide a child with assistance with school transport. The authority must be satisfied that, without such assistance, a child would be prevented from attending at any premises which are not a school or part of a school but at which relevant early years education is provided, for the purposes of receiving early years education there.

Under Section 508D of the Act, local authorities must have regard to the Secretary of State's guidance. The Home to School Travel and Transport Statutory Guidance for Local Authorities July 2014 provides that

"51 Publication of general arrangements and policies Local authorities must publish general arrangements and policies in respect of home to school travel and transport for children of compulsory school age. This information should be clear, easy to understand and provide full information on the travel and transport arrangements. It should explain both statutory transport provision, and that provided on a discretionary basis. It should also set out clearly how parents can hold local authorities to account through their appeals processes. Local authorities should ideally integrate their Sustainable Modes of School Travel strategies into these policy statements, and publish them together."

Policy Changes

52. Local authorities should consult widely on any proposed changes to their local policies on school travel arrangements with all interested parties. Consultations should last for at least 28 working days during term time. This period should be extended to take account of any school holidays that may occur during the period of consultation.

53. Good practice suggests that the introduction of any such 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. Parents make school choices based on, amongst other things, the home to school transport arrangements for a particular school, and any changes might impact adversely on individual family budgets.

Under section 508F (*provision of transport etc. for adult learners*), local authorities are required to make such arrangements for the provision of transport as they consider necessary in respect of: (a) adults (i.e. those who are aged 19 or over) for the purpose of facilitating their attendance at local authority maintained or assisted further or higher education institutions or institutions within the further education sector; and (b) relevant young adults with an EHC plan (which can only be maintained up until the age of 25) for the purpose of facilitating their attendance at institutions where they are receiving education or training outside the further and higher education sectors. Where the local authority makes such arrangements, any transport provided must be free of charge. Where the local authority decides not to provide transport arrangements in a particular case, they still have discretion to pay all or part of the reasonable travelling expenses for the student.

Under Section 508G (*transport policy statements etc. for young adults subject to learning difficulty assessment*) local authorities making arrangements, or proposing to pay travelling expenses, under section 508F in relation to relevant young adults must consult: (a) any other local authority that they consider it appropriate to consult; (b) governing bodies of institutions within the further education sector in the authority's area; (ba) proprietors of 16 to 19 Academies in the authority's area; (c) persons in the local authority's area who will be relevant young adults when the arrangements or payments have effect, and their parents; (d) the Secretary of State; and (e) any other person specified by the Secretary of State. The authority must prepare for each academic year a transport policy statement that amongst others must specify any transport or other arrangements, and any payment of travelling expenses, made or to be made in relation to relevant young adults. The statement must be published by the end of May in the year in which the relevant academic year begins.

Section 509AA of the Act (*provision of transport etc. for persons of sixth form age*) obliges local authorities to prepare, for each academic year, a transport policy statement specifying the arrangements for the provision of transport or otherwise that it considers necessary to make for facilitating the attendance of persons of sixth form age receiving education or training at: Schools; any institution maintained or assisted by the authority which provides

further education or higher education (or both); any institution within the further education sector; any 16 to 19 Academy; or any other establishment supported by the Education Funding Agency (EFA). "Persons of sixth form age" means those over compulsory school age but under 19 (or those who began a course of education or training before turning 19 and are still attending that course). Local authorities are obliged to secure that effect is given to the arrangements specified in transport policy statements.

Section 509AB(1) of the Act (*further provision about transport policy statements for persons of sixth form age*) imposes a requirement that the transport policy statement should set out the extent to which the arrangements specified in the statement include arrangements for facilitating the attendance at schools and learning providers of young people with learning difficulties and/or disabilities. Arrangements for this group of young people must therefore be set out explicitly in the statement.

In preparing the transport policy statement for persons of sixth form age, the local authority must consult: a) any other local authority that they consider it appropriate to consult; b) the governing bodies of schools and further education institutions; c) persons in the local authority area who will be of sixth form age when the statement has effect, and their parents; d) Transport for London (TfL); and e) any other person specified by the Secretary of State. The Statutory Guidance referred to below provides that *“48. Other bodies including education and training providers; higher education institutions; transport companies and authorities operating in the locality; public sector bodies; community groups; voluntary organisations and groups/organisations with an interest in disability issues (including independent specialist providers) should also be consulted where appropriate.”*

In preparing and publishing the policy statement, the local authority must have regard (among other things) to the need to— (a) include in the statement sufficient information about the matters that the statement must specify, and (b) publish the statement in time, to enable persons who will be of sixth form age when the statement has effect and their parents to take reasonable account of those matters when choosing between different establishments at which education or training is provided.

In preparing the post 16 statement, the local authority shall have regard to any guidance issued by the Secretary of State. The DfE has issued the Post 16 Transport and Travel Support to Education and Training Statutory Guidance that the authority must have due regard to.

The consultation to be undertaken must be adequate and fair having regard to all the circumstances. The consultation must take place at a time when the proposed change is still at its formative stages. The Council must provide the consultees with sufficient information to enable them properly to understand the proposed changes being consulted upon and to express a view in relation to it. The information must be clear, concise, accurate and must not be misleading. The consultees must be given adequate time to consider the proposed changes and to respond.

Equality

The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- advance equality of opportunity between people who share protected characteristics and people who do not
- foster good relations between people who share those characteristics and people who do not.

The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. The first part of the duty applies to marriage and civil partnership status only.

The proposed decision is to approve a public consultation on the proposed changes to the current SEN Transport Policy (to be renamed as the Travel Assistance Policy), which ensures that the Local Authority delivers home-school transport in accordance with national guidance. In particular it promotes and supports transport which is sustainable,

creates a greener environment and wherever possible supports young people to be independent and achieve their education outcomes; where young people require assistance due to their SEND needs the proposal is for this to be supported based on an assessment of individual needs in accordance with the policy.

This will affect:

- all children and young people who require support with transport to school
- children and young people with SEND
- parents and carers with disabilities who are prevented by virtue of their disabilities from transporting their children to school
- workforce capacity to respond to providing travel assistance

Accordingly, this policy will affect the following groups who have protected characteristics: Children and young people; Children and young people with SEND and adults with disabilities.

The objective of the proposed decision is to improve the Council's policies and processes in relation to the provision of home-school transport by providing clear guidance and formal dispute resolution processes in accordance with national guidance.

This will lead to better access and support for Home-School transport for children, young people and adults with disabilities, helping address difficulties they may face in travelling to school by virtue of their protected characteristics, in particular if they or their parents or carers have SEND.

The proposed decision therefore represents a measure to:

- support access to education for all children and young people including those with SEND
- ensure children and young people of parents with a disability who cannot otherwise transport their children to school have access to home-school transport.

As part of the public consultation on the proposals to change the current policy, provision will be made to ensure that families, schools and other parties have sufficient time to respond to proposed changes. Accessibility needs will also be accommodated by providing translated and/or large print copies of the consultation on request. The consultation will also be promoted so as to maximise reach and seek the views of interested families and parties as far as possible.

An EQIA is underway to understand the key groups who will be affected by the policy, how they will be impacted by it, and any mitigations that might be needed in order to ensure that the public sector duty is met. This will be finalised and brought for approval alongside the final Travel Assistance Policy.

The Council will take steps to collect demographic data on service users in order to identify any inequalities in service provision that may arise and to inform future equalities analysis.

9. Use of Appendices

Appendix 1 – Home to school travel and transport guidance; Statutory guidance for local authorities July 2014

Appendix 2 – Haringey Assisted Travel Policy 5 – 16 year

Appendix 3 – Haringey Assisted Travel Policy Post 16

Appendix 4 – Proposed consultation questions

Appendix 5 – Haringey Travel Policy 2018-2020.

10. Local Government (Access to Information) Act 1985

N/A