

**Report for:** Cabinet, 15 March 2016

**Item number:** 18

**Title:** Draft Haringey Travel Policy for permission to consult with a range of stakeholders

**Report authorised by :** Charlotte Pomery, Assistant Director Commissioning

**Lead Officers:** Sebastian Dacre, Commissioning Manager  
Victor Roman, SEND Project Manager

**Ward(s) affected:** All

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

## **1. Describe the issue under consideration**

- 1.1 It is a statutory requirement for the Council to have a Travel Policy. A Policy is intended to provide clarity for service users and their parents and carers in accessing travel in a wide range of circumstances, and to ensure that those with particular and significant needs are appropriately supported.
- 1.2 This draft policy sets out the Council's intentions, some of which will have an impact on residents, for consultation with a wide range of stakeholders before the final Travel Policy is presented to Cabinet for approval later in the year. It outlines how the Council will move towards a consistent and equitable way of supporting people in the provision of Council funded travel. The Policy is set out in two main sections: Children and Young people (0 to 18 years) and Adults with Learning Disabilities and Disabilities (18+).

## **2. Cabinet Member Introduction**

- 2.1 The draft Travel Policy attached sets out how the Council will fulfil its statutory obligations with regard for pupils travelling to school and meet the travel requirements for adults with learning disabilities and disabilities. The draft policy has been developed in full consideration of the Education Act 1996, the Children and Families Act 2014, including the reforms for children with a special educational need and/or a disability, and the Care Act 2014.
- 2.2 In line with the Corporate Plan, Building a Stronger Haringey Together, and the Council's aims to build independence and enable mobility, the Policy focuses on the development of travel skills to support the progression to independence and improving health and wellbeing by providing access to a range of travel options rather than just funding direct transport costs. There has been engagement with local stakeholders in

the development of the draft Policy and the statutory consultation proposed here will strengthen the contribution of local residents to the Policy and offer service users and carers the further opportunity to express their views and feelings.

### **3. Recommendations**

- 3.1 To approve the draft Travel Policy for consultation with stakeholders for a period of 90 days.
- 3.2 Officers to prepare a report for Cabinet on the feedback from the consultation undertaken and for a decision on the proposed Travel Policy.

### **4. Reasons for decision**

- 4.1 There is a clear case for change as set out in the Corporate Plan priorities to give children the best start in life and to enable healthy and fulfilling lives for all residents. The current Council arrangements for travel support do not rest upon a single clearly stated policy position and can be seen as at variance with wider policy imperatives to promote independence, widen personalisation and enable greater resilience.
- 4.2 The draft policy, however, rests upon a general assumption and expectation that service users will meet their own needs for travel to access and take advantage of existing services or support and will use public transport to develop independence, social and life skills. Haringey recognises that to enable the promotion of independence for children, young people and adults requires the provision of support initiatives such as travel training and the development of community involvement. Funded passenger transport will not be directly provided unless, following assessment, it is deemed to be the only reasonable means of ensuring that the service user can be safely transported to an assessed and eligible service.
- 4.3 Haringey Council is also committed to reducing traffic congestion, improving road safety and reducing the environmental impact of vehicle journeys by promoting alternative forms of travel, such as walking, wheel chairing, cycling and use of integrated public transport. Wherever possible, in the provision of travel assistance the Authority will consider travel options for 'eligible children and adults' that lead to reducing the number and length of vehicle journeys as well as promoting independence and enabling mobility.

### **5. Alternative options considered**

- 5.1 Alternative options have been considered, including separate Travel Policies for children and young people and for adults and maintaining the current position of not having a shared policy statement for travel. Neither of these options is considered viable given the requirements set out in the Care Act in respect of transitions and the importance of travel to giving children the best start in life and enabling adults to lead healthy and fulfilling lives.

5.2 The contents of the Policy reflect the wider strategic aims of the Council to promote independence for children, young people and adults with the appropriate levels of support and training. The option of maintaining the current model of travel support was not considered to meet these wider strategic aims due to the emphasis placed on access to passenger transport.

## **6. Background information**

6.1 This draft Travel Policy seeks to bring into one place, and so to ensure a consistency of approach across the Council, arrangements for travel for eligible children, young people and adults to facilitate attendance at education and services. This Policy does not affect eligibility for services or support.

6.2 Currently, the Council offers support for travel for eligible children, young people and adults through the offer of the in-house transport service, access to commissioned transport services, provision of an escort and or support with travel training. There is currently no single policy in place which supports these arrangements or ensures that where, for example, travel training has been delivered in one setting but a young person moves school or placement the skills developed are transferred to the new journey now needed.

6.3 In addition, the current arrangements for travel support, particularly where they centre on provision of the in-house passenger transport service, pay little attention to wider environmental and health concerns for example the reduction of traffic congestion, the environmental impact of vehicle journeys and the improvement of road safety. The health and wellbeing impacts of alternative forms of travel, such as walking, wheel-chairing, cycling and the use of integrated public transport are not regularly taken into account in assessing the travel options open to individual users.

6.4 The policy offers a single approach to travel assistance for children and young people attending school or college and adults accessing day opportunities and other services in the community. The aim is to ensure that the service received and the user experience are consistent and that the most efficient, effective and suitable travel assistance is provided. Wherever possible, in the provision of travel assistance the Authority will consider travel options for eligible children and adults that lead to reducing the number and length of vehicle journeys and promoting health and wellbeing.

6.5 Currently the SEND Service transports eligible children and young people in a variety of ways, depending on their needs. The service uses the Passenger Transport Service (PTS) for door to door pick-ups in multiple occupancy and single occupancy vehicles, accompanied in some of the cases by a passenger assistant or escort. Also, there is the possibility for parents or carers to claim mileage, taxi fares or public transport fares if they do not use the PTS. The current practices need to be made more flexible for the service user and also help to promote the independence of the young person by also providing Independent Travel Training, operating from Central Pick Up Points/ Single Collection Points and making Personal Budgets for travel more widely available.

6.6 Likewise for adults, the changes proposed in the draft Policy are aimed at promoting independence and enabling mobility. The changes will be delivered through moving away from a reliance on PTS particularly the use of multiple occupancy vehicles for transporting people to buildings based provisions and developing and implementing a range of community based travel support solutions, including travel training and buddy arrangements. The intention is to replace passenger transport as these alternatives become more widely available.

6.7 Service users and parents and carers have had the opportunity to comment on the draft Policy through discussions and written submissions. The primary concerns raised have been in relation to the potential increased role for parents and carers in managing the travel arrangements of the child or adult for whom they care in the move away from the use of multiple occupancy vehicles. The concerns about the availability of travel arrangements have also been raised by carers through the work to redesign the current day centre model towards one of day opportunities for adult service users. Parents and carers are keen to ensure that adequate support is in place to enable the greater independence set out as an aim in the policy and that current travel arrangements are not changed unless alternatives have been clearly identified.

6.8 The draft Policy has been amended in light of the engagement carried out to date which has also served the purpose of raising awareness of the draft Policy and the proposal for consultation over the summer period.

6.9 Following the proposed consultation, the amended Policy will be presented to Cabinet for approval with an implementation plan which sets out how any changes are to be put in place. In light of the statutory home to school travel and transport guidance, it will be important that any policy changes follow best practice and are phased-in.

## **7. Contribution to strategic outcomes**

7.1 The Corporate Plan, Building a Stronger Haringey Together, sets out the vision and priorities for the Council over the next three years. Its underpinning principles of empowering communities to enable people to do more for themselves and promoting equality to enable each young person to thrive and to achieve their potential are reflected in the draft Travel Policy.

7.2 As well as seeking to ensure every child has the best start in life and to enable all adults to lead healthy and fulfilling lives, the Council is committed to improving the local environment and to making Haringey one of the most cycling and pedestrian friendly boroughs in London. These ambitions are reflected in the draft Policy.

## **8. Statutory Officers comments (Chief Finance Officer, Procurement, Assistant Director of Corporate Governance, Equalities).**

### **8.1 Finance**

- 8.1.1 The two main budgets for transport for service users are the Home to School Transport budget for Children with Special Educational Needs which is £3.071m (including £0.5m from the Dedicated Schools Grant) and £560k for transport for users of Adults Services Day Opportunities (largely Older People and Adults with Learning Disabilities.)
- 8.1.2 The Children's Service is expected to make £1.5m of savings over the next two years from the budget for services for Children with Additional Needs. This policy is in line with the Council's overall strategic aims for the service and should also support the delivery of savings by promoting more flexible and better value for money options for transport (although it is too early to attribute a specific figure to this.)
- 8.1.3 Cabinet has approved proposals for the provision of Day Opportunities for Adults with Learning Disabilities and Older People that will result in a shift away from traditional buildings based care towards a more flexible model providing net savings of around £2m. (£1.5m for the Learning Disabilities centres and £0.5m for Older People centres.) The transport budget forms part of this overall re-provision. This policy will support the overall aims of this re-provision and the delivery of savings.

## **8.2 Procurement**

- 8.2.1 The recommendation does not identify any Procurement issues

## **8.3 Legal**

- 8.3.1 Cabinet is being asked to approve for consultation the Travel Policy that include the arrangements for the provision of transport to attend school, further and higher education and to access services to meet an adult eligible care and support needs. This is to ensure compliance with the statutory duties under the Education Act 1996 as amended, the Children and Families Act 2014 and the Care Act 2014 and to better manage resources.
- 8.3.2 The Education Act 1996 as amended and the supporting statutory guidance sets out the Council's duties in respect of home to school travel and transport for children of compulsory school age (5-16) and for all persons of sixth form age receiving education or training (post 16). This includes children and young persons with special educational needs.
- 8.3.3 Section 508A of the Act (*duty to promote sustainable modes of travel etc*) places a general duty on the Council to promote the use of sustainable travel and transport. The duty applies to children and young people of compulsory school age who travel to receive education or training in the Council's area. The duty relates to journeys to and from institutions where education or training is delivered.

8.3.4 Under Sections 508B (*travel arrangements for eligible children*), the Council must ensure that suitable travel arrangements are made, where necessary, to facilitate attendance at school for eligible children. Schedule 35B of the Act defines eligible children – those categories of children of compulsory school age (5-16) in the Council’s area for whom free travel arrangements will be required.

The Council is required to:

- a) provide free transport for all pupils of compulsory school age (5-16) if their nearest suitable school is: beyond 2 miles (if below the age of 8); or beyond 3 miles (if aged between 8 and 16) (*Statutory walking distances eligibility*);
- b) make transport arrangements for all children who 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 (*Special educational needs, a disability or mobility problems eligibility*);
- c) make transport arrangements for all children who cannot reasonably be expected to walk to nearest suitable school because the nature of the route is deemed unsafe to walk (*unsafe route eligibility*);
- d) provide free transport where pupils are entitled to free school meals or their parents are in receipt of maximum Working Tax Credit if: the nearest suitable school is beyond 2 miles (for children over the age of 8 and under 11); the school is between 2 and 6 miles (if aged 11-16 and there are not three or more suitable nearer schools); the school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (aged 11-16) (*Extended rights eligibility*).

8.3.5 Section 508C (*travel arrangements etc for other children*) of the Act provides the Council with discretionary powers to go beyond their statutory duties and provide transport for children who are not entitled to free transport. The Council may, as it thinks fit, pay the whole or part of the child’s home to school travel expenses.

8.3.6 Under Section 508D (*Guidance etc in relation to sections 508B and 508C*) of the Act, the Secretary of State is required to issue guidance in respect the discharge of the duties under the Act. The Department for Education has issued a statutory guidance titled “Home to school travel and transport guidance” July 2014 which the Council is under a duty to have regard to it when carrying out their duties. The guidance requires the Council to publish its arrangements and policies for home to school transport. Paragraph 51 of the guidance provides that:

*51. 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.*

- 8.3.7 The guidance also requires the Council to consult stakeholders on any proposed changes to the policy on school travel arrangements. Paragraph 52 provides that:

*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.*

- 8.3.8 The Council is required to have in place both complaints and appeals procedures for parents to follow should they have cause for complaint about the service, or wish to appeal about the eligibility of their child for travel support. The procedure should be published alongside the Council's travel policy statement. The statutory guidance includes a review/appeals process which is recommended for local authorities to adopt.

- 8.3.9 There are also distinct transport provisions for young person posts 16. Under Section 509AA (*provision of transport etc. for persons of sixth form age*) the Council must prepare for each academic year a transport policy statement. The statement shall specify the arrangements for the provision of transport that the Council consider necessary for facilitating the attendance of persons of sixth form age receiving education or training at schools, further and higher education. The statement, amongst others, must specify the arrangements that the Council consider necessary for the provision of financial assistance in respect of the reasonable travelling expenses of persons of sixth form age receiving education or training at any establishment. The statement shall specify any travel concessions which are to be provided to persons of sixth form age receiving education at any establishment. The Council must publish the statement, in a manner which they consider appropriate, on or before 31st May in the year in which the academic year in question begins.

8.3.10 Section 509AB (*further provision about transport policy statements for persons of sixth form age*) requires the policy statement prepared under section 509AA to state to what extent transport arrangements include arrangements for facilitating the attendance at schools, further and higher education of disabled persons and persons with learning difficulties. The post 16 statutory guidance referred to below provides at Paragraph 14 that

*14. The 16-18 transport duty relates to young people of sixth form age with learning difficulties and/or disabilities aged up to 19 (and beyond the age of 19 if they are continuing on a particular course started before the age of 19). Local authorities also have a duty under the Education and Skills Act 2008 to encourage, enable and assist the participation of young people with learning difficulties and/or disabilities up to the age of 25 in education and training. It therefore follows that it is good practice for local authorities to include information about what transport arrangements are available and whether they are adequate to enable these young people to participate.*

8.3.11 In preparing the post 16 policy statement, the Council is required to have regard to the statutory guidance issued by the Secretary of State titled “Post – 16 transport to education and training” February 2014. At Paragraph 2 the guidance provides that

*2. The overall intention of the 16-18 transport duty is to: ensure that learners of sixth form age are able to access the education and training of their choice; ensure that, if support for access is required, this will be assessed and provided where necessary.*

8.3.12 At Paragraphs 10 and 11, the guidance states

*10. The transport policy statement is intended to inform young people in years 11, 12 and 13 and their parents about what transport arrangements and support are available locally. The statement should be a single point of reference providing information about transport arrangements to all types of provision, including arrangements made by bodies other than the local authority. The statement must set out what the local authority’s overall transport policy is in regard to young people and the rationale behind the policy.*

*11. The transport policy statement should be clear and provide sufficient detail about the transport arrangements and support provided to inform young people in making their post-16 choices. Young people should be provided with information through the transport policy statement about who is eligible for transport support and how and when they should apply for support. Details of any concessionary fares, discounts, subsidies or travel cards should be included alongside the eligibility criteria for this support and how eligibility will be assessed. Clear signposting from the statement should point young people to*



*sources of further information, for example local authority, college, transport provider websites or contact details.*

8.3.13 The Act in Sections 508F – H makes provision for additional duties to adult learners. This includes transport arrangement to facilitate attendance at further or higher education, preparation and publication of transport policy statements and to have regard to statutory guidance issued by the Secretary of State.

8.3.14 The Council must publish as part of the transport policy statement the process which will be followed should a complaint or an appeal be made on behalf of, or by, a young person. The Post 16 statutory guidance requires the Council to consult with a number of stakeholders in developing the transport policy. This includes persons of sixth form age and their parents, the governing bodies of schools and further education institution, Passenger Transport Executives and Transport for London (TfL).

8.3.15 Under Section 30 of the Children and Families Act 2014 (*Information and Advice: Local Offer*) the Council must publish information it expects to be available in its area for children and young people who have special educational needs or a disability. This includes the arrangements for travel to and from schools and post-16 institutions and places at which relevant early years education is provided. The Special educational needs and disability code of practice: 0 to 25 years statutory guidance provides that:

*4.48 Transport can be an important factor in the support for children and young people with SEN or disabilities. The Local Offer must include information about arrangements for transport provision, including for those up to age 25 with an EHC plan, and this should include local authorities' policy statements.*

*4.50 Local authorities must publish a transport policy statement each year setting out the travel arrangements they will make to support young people aged 16-19 and learners with learning difficulties and/or disabilities (LDD) aged up to 25, to access further education. This should include any arrangements for free or subsidised transport.*

*4.51 Local authorities must include in their Local Offer information about: any specific arrangements for specialised transport (for example, specially fitted buses); any support available from the local authority or others with transport costs and should include information about: any support that is offered to children and young people to help them use transport, including public transport, and any training given to aid independent travel.*

8.3.16 The Travel Policy covers the arrangements for the provision of transport as part of the assessed care and support needs of an adult under the Care Act 2014.

Section 1 of the Care Act (*Promoting individual well-being*) requires the Council when exercising its care and support functions in respect of an individual, to promote the individual's wellbeing.

8.3.17 Section 2 of the Act (*Preventing needs for care and support*) requires the Council to provide or arrange for the provision of services, facilities or resources, or take other steps, which it considers will contribute towards preventing, delaying or reducing individuals' needs for care and support, or the needs for support for carers.

8.3.18 Section 4 of the Act (*Providing information and advice*) require the Council to provide an information and advice service in relation to care and support for adults, and support for carers. The service should include information on how care and support operates in the Council's area, how to access it, what services and providers are available, how to access independent financial advice and how to raise concerns about the safety or well-being of a person with care needs.

8.3.19 When an adult is found to have care and support needs following a needs assessment under section 9 of the Act (or in the case of a carer, support needs following a carer's assessment under section 10), the Council must determine whether those needs are at a level sufficient to meet the "eligibility criteria" under section 13 of the Act. Sections 18 and 20 of the Act set out the duty of Council to meet those adult's needs for care and support and those carer's needs for support which meet the eligibility criteria. For service users and carers, the Council must continue to meet their eligible needs.

8.3.20 Section 26 (*Personal budget*) requires the Council to provide each service user with a personal budget. The Care and Support Statutory Guidance provides that "11.3. *The personal budget is the mechanism that, in conjunction with the care and support plan, or support plan, enables the person and their advocate if they have one, to exercise greater choice and take control over how their care and support needs are met. It means:*

- *knowing, before care and support planning begins, an estimate of how much money will be available to meet a person's assessed needs and, with the final personal budget, having clear information about the total amount of the budget, including proportion the local authority will pay, and what amount (if any) the person will pay;*

- *being able to choose from a range of options for how the money is managed, including direct payments, the local authority managing the budget and a provider or third party managing the budget on the individual's behalf (an individual service fund), or a combination of these approaches;*
- *having a choice over who is involved in developing the care and support plan for how the personal budget will be spent, including from family or friends;*
- *having greater choice and control over the way the personal budget is used to purchase care and support, and from whom.*

8.3.21 In addition to the requirement of the statutory guidance on school and post 16 transport, there is a common law duty on the Council to consult with stakeholders that are likely to be affected by the transport policy proposals. The consultation must take place at a time when the proposals are still at their formative stages. The Council must provide the consultees with sufficient information to enable them properly to understand the proposals 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 proposals and to respond.

8.3.22 The Council must give genuine and conscientious consideration to the responses received from the consultees during the consultation before making its final decision on the proposals.

8.3.23 As part of its decision making process, the Council must have “due regard” to its equalities duties. Under Section 149 Equality Act 2010, the Council in exercise of its school and further education transport functions and care and support functions under the Acts referred to above, must have “due regard” to the need to eliminate unlawful discrimination, advance equality of opportunity between persons who share a protected characteristic and those who do not, foster good relations between persons who share a relevant protected characteristic and persons who do not share it in order to tackle prejudice and promote understanding. The protected characteristics are age, gender reassignment, disability, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council is required to give serious, substantive and advance consideration of the what (if any) the proposals would have on the protected group and what mitigating factors can be put in place. This exercise must be carried out with rigour and an open mind and should not be a mere form of box ticking. These are mandatory consideration.

8.3.24 The responses to the consultation on the proposals, the EQIA of the proposals and the steps being taken to mitigate the impact, the general duties of the

Council under Acts referred to above, all must be considered before the Council makes its decision on the proposals.

## **9 Equality**

**9.1** An Equalities Impact Assessment has been carried out and will be updated further following consultation. This Assessment identifies that there could be positive impacts from the implementation of the draft Travel Policy in terms of protected groups having greater independence, increased mobility and improved health and wellbeing. It also acknowledges that unless there is adequate support in place to move to the proposed approach some eligible residents may feel that their travel needs are not being met.

**9.2** Further information about service users and their parents and carers, including their protected characteristics, will be collected during the consultation. The consultation will also allow stakeholders to provide feedback, which will be taken into consideration when shaping the final Travel Policy.

## **10. Use of Appendices**

- 10.1 Appendix 1: Draft Travel Policy
- 10.2 Appendix 2: Draft consultation questions

## **11. Local Government (Access to Information) Act 1995**

## **12. 'Haringey's Corporate Plan 2015-18'.**