

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

29 JULY 2015

REPORT OF THE CORPORATE DIRECTOR EDUCATION AND TRANSFORMATION

LEARNER TRAVEL POLICY

RATIONALISATION OF LEARNER TRANSPORT FOR PUPILS WITH SPECIAL EDUCATIONAL NEEDS (SEN)

1. Purpose of Report.

1.1 The purpose of this report is to inform the Children and Young People's Overview and Scrutiny Committee of the progress made in relation to the rationalisation of Learner Transport for pupils with a Special Educational Need (SEN).

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 The report links to the following corporate priorities:

- Working together to make the best use of resources.
- Working together to raise ambitions and drive up educational achievement.

3. Background.

3.1 The Council's approved Medium Term Financial Strategy (MTFS) 2015/16 to 2018/19 seeks to achieve potential revenue and efficiency savings. Table 1 below identifies the relevant budget line this report refers to in the current MTFS.

Table 1 – SEN Learner Travel MTFS savings

MTFS Ref.	Savings Proposals	Indicative 2015-16 £000	Indicative 2016-17 £000	Indicative 2017-18 £000	Indicative 2018-19 £000
CH4	Rationalise Special Education Needs transport	100	150		

4. Current Situation

4.1 Section 3 of the Learner Travel (Wales) Measure 2008 (the Measure) places a duty on the local authority to make transport arrangements for learners of compulsory school age in specified circumstances and subject to specified conditions. The section makes provision for free transport defined by whether children receive primary or secondary education and whether they live further than the agreed distances from the schools at which they receive education or training.

4.2 Under Sections 2 (4) (a) and (4) (b) of the Measure a local authority must consider a learner's disabilities and learning difficulties when assessing the travel needs of learners in their area.

- 4.3 The transport arrangements for a learner with SEN will depend on their individual circumstances and the route they must travel. Under Section 4 of the Measure, if a learner of compulsory school age cannot walk (accompanied or unaccompanied) to their nearest suitable school, because of a disability or learning difficulty which they have, even if the distance to their nearest suitable school is less than the statutory limit for their age group, section 4 of the Measure places a duty on the local authority to make suitable travel arrangements for that child. The local authority will need to consider what arrangements are appropriate to facilitate the learners attendance at school in accordance with their learner travel policy, the provisions of the Equality Act 2010, and the Measure. Any changes made to modes of transport will only be implemented following a thorough assessment of a pupil's circumstances, and with full communication with parents/carers and the pupils themselves to ensure minimal anxiety and concern to both parents and pupils.
- 4.4 The requirements of the Measure are reflected in the Council's Home to School/College Transport Policy located within the admissions policy booklet 'Starting School' as follows:-
- 4.5 Learners with Special Educational Needs/Disabilities
Free transport is provided for all learners who attend special schools, pupil referral units and learning resources bases that are not located within their catchment area school in accordance with the LA's agreed policy on walking distances (1.5 miles for Primary School Pupils and 2 miles for secondary school pupils).
- 4.6 *Learners with Special Educational Needs who attend mainstream schools, and who do not otherwise qualify for free transport, may qualify for free transport if their application is accompanied by appropriate evidence which is confirmed by the LA's Inclusion Service. Learners with disabilities (as defined by the Equality Act 2010) may be entitled to assistance with transport from home to an appropriate school/college even though the LA's agreed criteria on safe walking distances are not met. Such provision is subject to approval by the LA's Inclusion Service. Any such referrals must be supported by appropriate evidence. The mode of transport provided will be dictated by the needs of the learner.*

The policy provides that in all cases, the efficient use of resources will dictate the mode of transport provided (subject to any special needs requirements).

- 4.7 There is currently no proposal to change the above mentioned policy. The two approaches that the LA are taking forward to ensure maximum efficiencies are as follows:-
1. **Operational checks** – to seek assurances that individual pupils have the right to access transport provision under the current policy;
 2. **Ongoing Efficiencies** – to ensure that the best use is made of existing contracts, so there is as much sharing of transport provision as possible, whilst taking into consideration the needs of individual children and retendering of existing contracts for taxis and minibuses.
- 4.8 It is worth noting that the tendering for all taxi contracts is ongoing (see para. 4.13) and routes are continuously evaluated to ensure they are the most cost effective in line with this process. Further detail of the above mentioned approaches are as follows:-

4.9 Operational checks

All requests for pupils under the SEN element of the Council's Learner Travel policy are evaluated on receipt of relevant information as follows:-

- i. Once a pupil has been granted an MLD Learning Resource Centre/Observation Class/CARE (Communication, Autism Resource Education) placement, the Team Manager ALN matches the pupil's address and allocates a place to the nearest Learning Resource Centre. This is the first check on the mapping process.
- ii. The distance criteria is then applied through the transport department where pupils living within the Council's agreed distances (see paragraph 4.5) will not be offered transport. However, learners with disabilities (as defined by the Equality Act 2010) may be entitled to assistance with transport from home to an appropriate school/college even though the LA's agreed criteria on safe walking distances are not met. Once the exit criteria from these placements have been met, the transport eligibility criteria are revisited. This is monitored by the Team Managers on a dynamic basis.
- iii. For all other transport requirements Specialist Teachers are expected to send transport requests to the Team Managers who then advise the Group Manager (Inclusion) prior to a decision being made on the requested transport. The Team Managers will scrutinise the requests and challenge them if they feel that the transport is not justified or the type of transport being offered is inappropriate. This is undertaken in advance of the requests being sent to the Group Manager (Inclusion) for final consideration and sign-off. On the transport form there is a section for justification and this is checked by the Team Managers to ensure that there is sufficient evidence to make a decision. These pupils will have already been discussed at supervision meetings with Specialist Teachers so they are usually already well known to the Team Managers.

4.10 Ongoing Efficiencies

Termly meetings are held between Team Managers from Inclusion and the Transport Department to ensure that taxis are shared whenever possible or pupils are moved onto minibuses where there are large numbers attending the same provision. Individual pupils are also discussed and in exceptional circumstances pupils may be allocated an individual taxi e.g. those pupils with ASD (Autistic Spectrum Disorder), complex mental health-related issues or significant behaviour difficulties where there may be a risk to themselves or others. These are sanctioned by the Educational Psychologists and monitored through the joint review process which would also include involvement from the school, with parents and health care practitioners in particular. Transport review forms are completed at every review and inform any required changes to the provision in place. To improve efficiencies, SEN and transport for Looked After Children (LAC) are sometimes combined after careful consideration of each individual child's situation involving discussions with both Inclusion Service and Safeguarding practitioners.

Tables 2 & 3 below identifies the current taxi and minibus contracts and the corresponding numbers of allocated passengers for the 2014-15 academic year.

Table 2 – SEN Taxi contracts 2014-15

No. of allocated passengers*	No. of contracted services
1	35
2	29
3	22
4	17
5	5
6	3
7	3
9	1

NB. *Identified passengers may not necessarily travel all at the same time and may include part-time travellers

Table 3 – SEN Minibus contracts 2014-15

No. of allocated passengers*	No. of contracted services
4	1
5	4
6	6
7	5
8	6
9	2
10	2
11	1
12	5
13	3
14	1
16	1

NB. *Identified passengers may not necessarily travel all at the same time and may include part-time travellers. Minibuses may be of varying capacities.

4.11 The Portfolio Pupil Referral Unit (Portfolio PRU) and SEN Transport have identified a number of savings against these contracts which are either met or projected to be met.

4.12 A summary of these savings is identified below in Table 4 & 5 below.

Table 4: Transport savings within the Portfolio PRU 2014-2015

	2013 - 2014	2014 - 2015	Saving
Positive Pathways	£73,222	£53,664	£19,558
Achieving for Life and Building to Progress	£130,833	£97,220	£33,613
	Total saving		£53,171

Table 5: Predicted transport savings within the LRC And Observation Classes 2014 – 2015

Locality	Total Cost 2013 - 2014	Predicted Total Cost 2014 - 2015	Predicted Saving (2014-15 Financial Year)	Predicted Saving (2014-15 Academic Year)
North	£213,118	£198,265	£9,849	£14,853
East	£219,690	£188,480	£20,699	£31,210
West	£107,920	£99,370	£5,670	£8,550
Total saving				£54,613

- 4.13 As well as the operational efficiencies, the LA is currently in the process of retendering the taxi and minibus contract in line with the MTFS savings identified in Table 1. This work, currently at the preparatory stage will continue throughout July and August 2015. As part of this work, one of the main objectives will be to rationalise the taxi contracts further with a view that some of these are combined into minibuses where possible. However, the balance will need to be struck between extending the length of time taken to pick up additional passengers who may be geographically dispersed, the overall length of the journey to and from school given the various special needs of the passengers and the cost of the overall service.

5. Effect upon Policy Framework & Procedure Rules.

- 5.1 There is no effect upon the Council's Policy Framework and Procedure Rules.

6. Equality Impact Assessment

- 6.1 An initial screening has been carried out and is included in Appendix 1 to this report.

7. Financial Implications.

- 7.1 Further savings will continue to be made on the SEN Transport budgets as a result of measures identified above on a dynamic basis.

8. Recommendation.

- 8.1 That the Committee note the content of this report in relation to SEN Transport;
- 8.2 Consider and agree any recommendations the Committee may wish to make consistent with its challenge and support role in light of the report.

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29 July 2015

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Background documents

None.

Equality impact assessment (EIA) screening form

Please refer to the [guidance notes](#) when completing this form.

This form has been developed to help you to identify the need for EIA when developing a new policy, strategy, programme, activity, project, procedure, function or decision (hereafter all understood by the term policy). You must also complete this form when reviewing or revising existing policies. It will also help to prioritise existing policies that may need to undergo a full EIA.

Unless they are 'screened out' following this initial prioritisation process, policies **will** be required to undergo full EIA in priority order. Refer to the [above guidance](#) notes on when an equality screening should happen, and some initial principles to bear in mind when getting started.

No new or revised policy should be approved unless an equality screening and, if required, a full EIA has taken place.

The following sections must be completed for all new policies:

Name of policy being screened:

Operational efficiencies to the Council's Learner Travel policy in respect of pupils with a Special Educational Need (SEN).

Brief description of the Policy:

The LA undertakes the current approach when attempting to maximise efficiencies:-

1. **Operational checks** - to seek assurances that individual pupils have the right to access transport provision;
2. **Ongoing efficiencies** - to ensure that the best use is made of existing resources.

Does this policy relate to any other policies?

The Council's Learner Travel Policy

What is the aim or purpose of the policy?

To ensure that the LA is discharging it's duties under the Learner Travel (Wales) Measure 2008 and the Equality Act 2010.

Who is affected by this policy (e.g. staff, residents, disabled people, women only?)

Pupils with Special Educational Need and their families.

Who is responsible for delivery of the policy?

The Local Authority

The following sections must be completed for all policies being reviewed or revised:

Is this a review of an existing policy?

Yes.

If this is a review or amendment of an existing policy, has anything changed since it was last reviewed?

No, this relates to operational practice only not a policy change.

Has an EIA previously been carried out on this policy?

No.

If an EIA exists, what new data has been collected on equality groups since its completion?

Screening questions

1. Is this policy an important or 'large scale' function, and/or is it likely the policy will impact upon a large number of staff, residents and/or contractors?

No

[\(Guidance\)](#)

2. Is it possible that any aspect of the policy will impact on people from different groups in different ways? (See guidance for list of 'protected characteristics' to consider)

Characteristic	Yes	No	Unknown	Explanation of impact
Age		X		
Disability	X			Some pupils with SEN may have disabilities
Gender reassignment		X		
Pregnancy and maternity		X		
Race		X		
Religion/belief		X		
Sex		X		
Sexual orientation		X		
Civil Partnerships and Marriage		X		

Yes

[\(Guidance\)](#)

Please expand on your answer:

Under Section 4 of the Measure, if a learner of compulsory school age cannot walk (accompanied or unaccompanied) to their nearest suitable school, because of a disability or learning difficulty which they have, even if the distance to their nearest suitable school is

less than the statutory limit for their age group, section 4 of the Measure places a duty on the local authority to make suitable travel arrangements for that child.

3. What is the risk that any aspect of the policy could in fact lead to discrimination or adverse affects against any group of people? (See guidance for list of protected characteristics?)

There may be some anxiety by both pupils and parents given any proposal to change a pupil's transport arrangements.

What action has been taken to mitigate this risk?

[Guidance](#)

Any changes made to a pupils current transport arrangements, will be conducted following a full and thorough review, with full communication with parents/carers and the pupils themselves to ensure minimal anxiety or concern to both parents and pupils.

Please expand on your answer:

The local authority will need to consider what arrangements are appropriate to facilitate the learner's attendance at school in accordance with their learner travel policy, the provisions of the Equality Act 2010, and the Measure.

4. Could any aspect of the policy help BCBC to meet the main public sector duties? Bear in mind that the duty covers 9 [protected characteristics](#). [Guidance](#)

Duty	YES	NO	Unknown
Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act	X		
Advance equality of opportunity between persons who a relevant protected characteristic and persons who do not share it	X		
Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	X		

Please set out fully your reasoning for the answers given to question 4 including an awareness of how your decisions are justified.

5. Could any aspect of the policy help BCBC to further its commitments set out in the council's Welsh Language Scheme?

Unknown at this stage

6. Are you aware of any evidence that different groups have different needs, experiences, issues and/or priorities in relation to this policy?

Yes

[\(Guidance\)](#)

There may be sub groups of pupils within those identified as SEN who will have specialist transport requirements e.g., those with any form of disability, those with anxiety or behavioural issues etc.

7. Is this policy likely to impact on Community Cohesion?

No

Conclusions

8. What level of EIA priority would you give to this policy? [\(Guidance\)](#)

SCREEN OUT - no further EIA required at this time

Please explain fully the reasons for this judgement including an awareness of how your decisions are justified.

This is not a policy change but ongoing operational practice in line with efficiencies.

Any change to an SEN pupil's transport provision will be assessed on its own merits and only after careful consideration of the impact on that child and their families, including full consultation with them.

7. Will the timescale for EIA be affected by any other influence e.g. Committee deadline, external deadline, part of a wider review process?

[\(Guidance\)](#)

8. Who will carry out the full EIA?

EIA screening completed by: Robin Davies (Group Manager Business Strategy and Performance)

Date: 22/07/2015

When complete, this initial screening form and, if appropriate, the full EIA form must be sent to [Paul Williams](#).