

Cabinet Member Consultation			
Report title:	Draft All Age Travel Assistance Policy		
Cabinet member(s) consulted	Consulting employee	Mode of consultation	Primary date of consultation
Cllr Hardacre Cllr Reynolds Cllr Evans Cllr Leach	Adrian Leach	face to face	24.05.19 24.05.19 24.05.19 12.06.19
Key comments arising from consultation (if applicable):			

CITY OF WOLVERHAMPTON COUNCIL	Cabinet 10 July 2019
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Report title	Draft All Age Travel Assistance Policy	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Dr Michael Hardacre Education and Skills	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Mark Taylor, Deputy Managing Director	
Originating service	Special Educational Needs and Disability	
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Report to be/has been considered by	Joint Education and Children and Young People Leadership Team	10 June 2019
	Adults Leadership Team	11 June 2019
	City Environment Leadership Team	11 June 2019
	Scrutiny Board	4 June 2019

Recommendations for decision:

The Cabinet is recommended to:

1. Approve the commencement of a 12-week formal consultation on the draft All Age Travel Assistance Policy, as attached at Appendix 2 to the report, from 2 September 2019 to 29 November 2019.
2. Delegate authority to the Councillor Reference Group, in consultation with the Director of Education, to approve supplementary accessible documents and summary of proposals to be made available during formal consultation aimed at individuals receiving travel assistance and their families.

Recommendations for noting:

The Cabinet is recommended to:

3. Note proposals 1 – 9, outline the significant changes to current policy practice and are already incorporated in the draft All Age Travel Assistance Policy attached at Appendix 2 to the report.
4. Note that supplementary accessible documents will be available during formal consultation aimed at individuals receiving travel assistance and their families along with a summary of proposals.
5. Note that the results of the consultation commencing on 2 September 2019 and engagement with the City of Wolverhampton residents and transport stakeholders would be reported to and inform a subsequent decision by Cabinet in February 2020.
6. Note that a summary of this document is available within the All Age Travel Assistance Policy Presentation, attached at Appendix 1 to the report.

1. Purpose

- 1.1 This report provides details of proposals to improve the City of Wolverhampton Council's travel assistance offer to better support the needs of people of our City and to promote the development of increased independence where appropriate.

2. Background

- 2.1 Corporate Transport Redesign Steering Group was established in 2017 to review the work that had been undertaken in light of the commissioned reviews of Corporate Transport Services. The strategic group focused on the potential for developing greater choice around travel while generating efficiencies in the delivery of passenger transport. The group clearly demonstrated the cross-directorate commitment to the delivery of the required changes.
- 2.2 At this time, the Transforming Adult Social Care Programme launched a second phase of its 'Promoting Independence' project which linked directly to the Corporate Transport Redesign Steering Group via the Director for Adult Social Care. The project delivered holistic reviews for all those people receiving in-house day care support across the City. These reviews placed more focus than had been previously on a person's transport arrangements and the development of independence in regard to their travel skills. The project was successful in its ability to demonstrate excellent outcomes for people who were able to develop further independence in several areas of their lives, including travel. This work has also helped to optimise the use of passenger transport services for adult passengers which is now being realised by the generation of efficiencies in passenger transport routes.
- 2.3 iMPower were also commissioned by the Steering Group to carry out a bespoke piece of work supporting their earlier report, specifically focussed upon demand management of SEND transport.
- 2.4 In October 2017, as part of the iMPower work, 102 telephone surveys were carried out with parent/carers. The overwhelming majority of parents (95% surveyed) want their children to be as independent as possible by adulthood, but there was no clear view that home to school travel could, or should, support this aim. It was however noted that the Council's home to school travel policy did not currently reference its ambition of "promoting independence".
- 2.5 Wolverhampton Challenge Board (www.changingourlives.org/challenge-boards) are a body of young people who influence decision making at a strategic level. The Challenge Board works alongside City of Wolverhampton Council and a wider network of young people (including schools and colleges) around the City. The Challenge Board launched their first white paper in December 2017 around an 'ordinary life'.
- 2.6 In the development of the paper Wolverhampton Challenge Board worked with 102 young people aged 11 to 22. These young people came from a multitude of backgrounds and had a wide range of special education needs and disabilities,

from those with the label of 'behavioural needs' through to young people with profound and multiple disabilities (PMLD). Findings reported within the paper stated that travelling independently was very important to the group involved to be able to get to new places, meet with friend and eventually get to work. This group wanted the opportunity to try to do things on their own, even if this meant taking risks. They also requested flexible and easy access to personal budgets that can be managed in a variety of ways. A 'Real Talk' event was also held in June 2018, which further developed on the white paper, to influence and shape the City's future priorities around special educational needs and disability. Twenty-one students aged 12 – 18 years old from Wolverhampton College, Wolverhampton Vocational Training Centre, Penn Fields School, Highfields School & Heath Park School attended. Feedback from the event reported that most young people thought it was good to travel independently, but a few felt unsure and would appreciate additional support from family/schools in order to feel safe. Even if schools encourage independent travel, parents may be more protective, and so it is important for young people, their parent and their school to work together to make sure that the young person is confident and safe whilst travelling independently.

- 2.7 The conclusion was that lots of young people want to be able to travel on their own and feel that they should start working towards this goal as soon as they can. They could be supported to do this by travel training in schools/colleges, using public transport with family/friends, and having safe public transport options in the City.
- 2.8 In April 2018, the Deputy Managing Director (and chair of the Corporate Transport Redesign Steering Group) requested that a managed Programme of change should be set up, with adequate controls to be established which would ensure the timely delivery of the key outcomes.
- 2.9 The information gathered during reviews helped to inform the final vision setting session for the initiation of the Delivering Independent Travel (DIT) Programme mandate. Key outcomes included consultation and co-production of policy change and increasing personalisation and independence with travel.
- 2.10 In September 2019, a Councillor Reference Group was established to provide oversight of the programme.
- 2.11 Between February and April 2019, a series of engagement sessions were carried out with parents, children and young people, schools and practitioners to shape the development of the All Age Travel Assistance Policy

3. Context

- 3.1 City of Wolverhampton Council currently provides transport for around 750 pupils the majority of which have special educational needs and/or disabilities and 70 vulnerable adults.

- 3.2 Nearly all of these individuals are transported by coach, minibus or taxi. Although this is an important service for many of our citizens, it is not supportive of feedback received from engagement which has suggested that some people feel they would benefit from more choice in the way they travel.
- 3.3 The needs of our community have changed over the last decade with the demand for travel among pupils with special educational needs and disabilities expected to increase by 13 per cent between 2017-2018 and 2025-2026.
- 3.4 Councils are operating in a time of unprecedented pressure on finances. The City of Wolverhampton Council needs to make savings of over £27 million in 2020-2021 and the budget shortfall is forecast to reach £40-50 million over the medium term.
- 3.5 The law around the provision of school transport is contained within the Education Act 1996. The legislation should be considered in conjunction with that set out in The Children and Families Act 2014 and The Care Act 2014.
- 3.6 The legislation is also supported by statutory guidance documents Special Educational Needs and Disability Code of Practice 2015¹, 'Home to School Travel and Transport'² and 'Post-16 Transport and Travel Support to Education and Training'³, which detail best practice in the provision of travel assistance to educational establishments in the form of key principles:
- Decisions as to entitlement to transport should be evidence based following an assessment of need.
 - Assistance should be provided in the least restrictive way and in accordance with local travel schemes.
 - Independent travel can be promoted as a way of the young person developing key skills.
 - The local authority should carry out a risk assessment and effectively manage any risks.
 - Travel needs of each pupil should be reviewed at least annually.
 - Pupils should travel using mainstream arrangements where possible.
 - Full details of the travel arrangements should be provided to parents/carers with details setting out their obligations.
 - If an escort is to be used, introduce the person to the child beforehand where the pupil has severe learning difficulties. Transport information must be included in the Local Authority's Local Offer (the Local Authority's published information about provisions available for children and young persons in its area special educational needs and disabilities (section 30 Children and Families Act 2014)).

¹ [Special Educational Needs and Disabilities 0 to 25 Years Code of Practice \(Statutory Guidance Children and Families Act 2014, published January 2015\) pages 73 and 206 paragraphs 4.48 to 4.51\)](#)

² [Home to school travel and transport guidance - Statutory guidance for local authorities 2014\)](#)

³ [Post-16 transport and travel support to education and training - Statutory guidance for local authorities 2019](#)

- Suitable travel arrangements must be made as necessary to facilitate an eligible child's attendance at school.
- The Local Authority must maintain a transport policy setting out travel arrangements the Local Authority makes to support young persons aged 16-19 with learning difficulties and/or disabilities access further education until they are 25 years old.
- The Local Authority must include in its Local Offer information regarding specific arrangements for specialised transport and support with costs.
- The Local Authority must provide information in its Local Offer regarding support to help children and young persons to use transport
- The Local Authority must provide information in its Local Offer regarding training to be given to children and young persons to aid independent travel.

- 3.7 Adult Services also have a legal duty to meet eligible needs for care and support as set out in the Care Act 2014 and the Care and Support Statutory Guidance. Travel assistance may be considered as an eligible need as part of the individual's care and support plan, although the Council does not have a separate legal duty to provide travel assistance. The legal duty for travel assistance only arises if it is to meet eligible need for care and support.
- 3.8 The Care Act 2014 introduced the need to promote wellbeing as a central guiding principle when supporting vulnerable adults. At the heart of this principle of wellbeing is *"Control by the individual over day-to-day life (including [control] over care and support... and the way in which it is provided)."*
- 3.9 This item was considered at pre-decision scrutiny on 4 June 2019 by Scrutiny Board and will therefore not be available to call in once a decision is made by Cabinet.

4. Progress

- 4.1 Key senior officers undertook two visioning sessions to determine what successful delivery would look like for the Delivering Independent Travel programme.
- 4.2 Following these sessions, the programme mandate was produced which contained specific actions to consult and co-produce on policy change and to increase personalisation and independence with travel.
- 4.3 It was proposed that the development of a consistent policy for travel assistance would demonstrate the City of Wolverhampton Council's commitment to support children and adults with additional needs to develop travel skills and have more independent lives.
- 4.4 Following public engagement, a draft All Age Travel Assistance Policy and proposals for consultation have been developed.

4.5 The proposed changes are part of the wider programme across council services to improve quality and better support residents' travel needs. The programme and associated changes to travel assistance provision will:

- Support those most in need
- Promote principles of independence
- Provide the most cost-effective travel assistance
- Promote and encourage the use of sustainable travel

4.6 The proposals below outline significant changes to current policy practice and are already incorporated in the draft All Age Travel Assistance Policy:

- a) **Proposal 1** - City of Wolverhampton Council's current Home to School Travel Policy, Post-16 Travel Policy and Adult Social Care Transport Policy would be combined into a single all age policy.
- b) **Proposal 2** - The introduction of a personalised assessment process, including a clear pathway for our travel assistance offer.
- c) **Proposal 3** - The introduction of charges for young people of sixth form age receiving transport unless there are exceptional circumstances.
- d) **Proposal 4** - The removal of automatic eligibility to travel assistance through placement in an educational establishment for Social, Emotional and Mental Health (SEMH) needs unless there are exceptional circumstances.
- e) **Proposal 5** - To provide transport only from a single address unless there are exceptional circumstances.
- f) **Proposal 6** - To clarify the application and appeals process.
- g) **Proposal 7** – To explain more clearly that travel assistance is only provided to the nearest appropriate educational establishment or social care venue unless there are exceptional circumstances.
- h) **Proposal 8** – To explain more clearly that where individuals are eligible for transport, pick up points will be used unless there are exceptional circumstances.
- i) **Proposal 9** – To explain more clearly that parents are expected to accompany their children to school, unless there are exceptional circumstances.

4.6a Proposal 1 - City of Wolverhampton Council's current Home to School Travel Policy, Post-16 Travel Policy and Adult Social Care Transport Policy would be combined into a single All Age Travel Assistance Policy.

Background

The City of Wolverhampton Council currently holds these as three separate policies, and each of these require amendment to ensure they are lawful. This proposal would bring them together as a single policy.

Benefits

- Policy will be clearer and easy to understand.
- Will improve transition between child and adult services.
- Joint planning and commissioning services may provide a better use of resources and a more joined up approach to provision.

Risks

- Other Local Authorities have faced legal challenges if policies are difficult for the average parent to understand.
- Parents may have made school choices based on home to school transport arrangements for a particular school, and any changes might impact adversely on individual family budgets.
- Increased levels of co-ordination will also be required between the Assessing Units (Social Care – Children and Adults with Care and Support Needs, SENSTART – Children and Young People with Education, Health and Care Plans (EHCPs), Customer Services – Mainstream Students and Independent Travel Training Unit – SEN Support and Medical Need Students) and the Travel Unit.

Options

- Do nothing
- Refresh each of the three policies separately
- Create an all age travel assistance policy

4.6b Proposal 2 - The introduction of a personalised assessment process, including a clear pathway for our travel assistance offer.

Background

The majority of councils who have refreshed policies in line with recommendations have taken on the personalised approach, with an increased focus on increasing independence. This would create a system in which all eligible applicants would be assessed for suitability for travel training and/or a travel pass as a first response to a request for travel assistance. If deemed unsuitable they would then be assessed for the next type of travel assistance preferred by the Council.

Benefits

- Demonstrates that we are focused on improving independence skills.
- Feedback from engagement suggests our citizens would welcome greater personalisation.
- Delivers the best possible services within the resources available.

Risks

- Savings associated with travel training are likely to be long-term and in the short-term travel training may carry a greater cost to the council.

- Parents who currently choose to transport pupils to and from school may decide to apply for personal transport budgets when this becomes a larger part of the travel offer.
- Many children will not be suitable for travel training, and the Council cannot legally require parents to accept personal transport budgets.
- Not all schools would be able to facilitate a significant increase in the number of cars arriving at peak times.

Options

- Do nothing – make no alterations to the current process of offering travel assistance
- Create a clear process with a hierarchical offer of travel assistance and establish associated governance to ensure this is followed.
- A decision also needs to be taken as to whether Travel Training would be compulsory for those deemed suitable or be offered as an option.
- A decision needs to be taken on the rate of mileage allowance provided.

4.6c Proposal 3 - The introduction of charges for young people of sixth form age receiving transport unless there are exceptional circumstances.

Background

- Councils do not have a duty to provide free transport for young people of sixth form age in education or training. This means students aged 16 -18. It also includes 19-year-olds if they are continuing on a course started before the age of 19.
- Our current policy does not allow us to charge for these services.

Benefits

- The introduction of contributions being sought may increase the participation in the Independent Travel Training Scheme, increasing the life skills and opportunities of the individuals and reducing further pressures on Adult Social Care.
- The contributions of those remaining on transport could be used to fund the Independent Travel Training programme, so that over time there would be decreased demand for travel assistance from the council by this age group.

Risks

- The DfE is currently considering changes to 16-19 transport requirements to take account of the raising of the participation age – any decision to charge for transport may have to be altered from 2021.
- This could lead to an increase in number of appeals in transport is refused and families believe it is necessary. This would require more staff time committed to dealing with appeals.

Options

- Do nothing – continue to provide free of charge.
- Means tested contributions to a travel assistance offer in line with the personalised assessment process.
- A decision also needs to be taken regarding the proposed cost of contributions.

4.6d Proposal 4 - The removal of automatic eligibility to travel assistance through placement in an educational establishment for Social, Emotional and Mental Health (SEMH) needs unless there are exceptional circumstances.

Background

- The council currently provides direct transport to 45 children and young people with a primary need of SEMH. An SEMH academy also receives a cash grant of approximately £115,000 from the Council every year which facilitates the transport of 55 pupils from home to school.
- The current policy states that transport will be provided to a child who attends a specialist placement and has an EHCP due to SEMH needs.
- This proposal would bring travel assistance for children and young people with SEMH needs in line with other types of need.

Benefits

- Delivers clarity and consistency across the policy
- Promotes and maximises the independence of all children and young people
- Optimises the most efficient use of Council resources.

Risks

- There may be disruption to the routine of this cohort of children and young people, some of whom may be at high risk of disengaging from the education system. The social cost of this impact is difficult to ascertain.

Options

- Do nothing – continue transporting all children and young people with SEMH needs
- Remove automatic entitlement and carry out personalised travel assistance assessment process, on all individuals affected, offering a clear pathway within our travel assistance offer.

4.6e Proposal 5 - To provide transport only from a single address unless there are exceptional circumstances.

Background

Our current policy states: The address from which transport is given is the home address at which the child normally lives unless there are exceptional circumstances under B7 above which have been agreed in relation to a different address. In any case, an accepted second address should be within reasonable travelling distance of Wolverhampton. Additionally, transport will be provided from a short break address in lieu of home address for children accommodated by the Local Authority under a series of short breaks and from a regional facility e.g. hospice. This policy proposes only offering transport from one address.

Benefits

- Single address allows for consistency in route planning.

Risks

- Concerns have been raised by equalities that implementing this policy would have a far more significant impact on children whose parents have separated, or individuals being cared for at multiple addresses.
- Increased risk of tribunals.

Options

- Do nothing: continue to provide transport from additional addresses under individual circumstances, no alteration to policy
- Alter policy to clarify exactly what is meant by exceptional circumstances in line with current procedure.
- Remove transport from any address which is not the child's home address under all circumstances.
- Decision also needed regarding whether to phase in this policy.

4.6f Proposal 6 - To clarify the application and appeals process.

Background

This proposal would aim to clarify the members of the independent appeal panel. Our current policy states that stage 2 of the appeals process is: Within 40 working days an independent appeal panel considers written and verbal representations from the parent/carer and officers and gives a detailed written outcome but offers no explanation of the 'independent panel'. It has been established that this would consist of 3 elected members but there is no clarity regarding cross-party representation.

Benefits

- A wholly independent and transparent appeals process would provide parental confidence that the process is fair.
- There is a possibility that a fairer and more robust appeals process would reduce the number of complaints to the Ombudsman and resulting in tribunals. This would lead to further resource being required to process these.
- Previous stage 2 appeals have been difficult to administer due to lack of clarity and guidelines and therefore clear definition of this would be beneficial.

Risks

- If a model similar to the school's admissions appeals panel was chosen there would be an additional cost.

Options

- Do nothing – keep existing appeals panel
- Alter constitution to facilitate independent appeals panel.
- Decision needed regarding the exact make-up of the panel.

4.6g Proposal 7 – To explain more clearly that travel assistance is only provided to the nearest appropriate educational establishment or social care venue unless there are exceptional circumstances.

Background

Our current policy states that we provide transport for pupils of statutory school age to the nearest qualifying school. However, this is not consistently enforced.

Benefits

- Greater equality of implementation
- Increased efficiency of vehicle routing
- Potential for financial savings

Risks

- Risk that low-income families may be disadvantaged as families with more expendable income are more likely to take their case to a tribunal and be awarded transport, despite disadvantaged families often having a greater need.
- This proposal could be subject to challenge through SEND tribunal – a previous attempt to enforce this policy led to a tribunal where concerns about accessibility were raised.

Options

- Do nothing – keep policy which states we only provide travel assistance to nearest appropriate school but with inconsistent enforcement.
- Adopt a policy that more accurately describes the current protocol.
- State clearly that we will consistently apply this policy and support this with procedure.
- Decision needed on whether to follow good practice and phase in or withdraw funding for those not currently at their nearest appropriate school.

4.6h Proposal 8 – To explain more clearly that where individuals are eligible for transport, pick up points will be used unless there are exceptional circumstances.

Background

This proposal would discourage the use of door to door transport on minibuses and taxis except in cases where strictly necessary. Our current policy allows us to do this but is not consistently applied.

Benefits

- Greater equality of implementation.
- Reduction in time pupils spend on transport.
- Streamlining routes would be economically and environmentally beneficial.

Risks

- Increase in number of appeals.

Options

- Do nothing – keep policy which states that door to door transport is only available in exceptional circumstances but with unclear definition of exceptional.
- Adopt a policy that more accurately describes the current protocol.
- Define exceptional and state clearly that we will consistently apply this policy.
- Decision needed on whether to follow good practice and phase in or introduce with immediate effect in September 2020.

4.6i Proposal 9 – To explain more clearly that parents are expected to accompany their children to school, unless there are exceptional circumstances.

Background

This proposal aims to clarify the responsibilities of parents towards accompanying their children to school. By law parents are required to ensure that their child receives a suitable education at school or otherwise. Our current policy would allow us to do this but is not consistently applied.

Benefits

- Greater equality of implementation
- Improved ability to justify decisions when they are challenged.
- Optimises the use of Council resource.

Risks

- Careful legal consideration would be needed of individual cases to ensure it was reasonable to expect a parent to accompany their child.
- There is a risk that this may disproportionately affect primary carers opportunities for employment.
- This could lead to an increase in number of appeals in transport is refused and families believe it is necessary. This would require more staff time committed to dealing with appeals.

Options

- Do nothing – keep policy which states that parents are expected to accompany their children to school but with inconsistent enforcement.
- Adopt a policy that more accurately describes the current protocol.
- State clearly that we will consistently apply this policy and support this with procedure.

5. Guidance and best practice for consultation

- 5.1 There is a duty to consult on any changes to the home to school transport policy and the Post 16 transport policy statement. This includes a prescribed list of consultees.
- 5.2 The consultation will focus on the aims of the strategy, as well as identifying the extent of support for the different options and the impact of any changes.
- 5.3 Case law has established the general principles of consultation. Consultation must be proportionate and fair. In particular:
 - Consultation should happen when proposals are still being developed. It should be possible to change proposals in light of the consultation.
 - Stakeholders must be given enough reasons for the proposals to allow them to make an informed response.
 - Stakeholders must have adequate time to consider and respond to the proposals.
 - The outcome of the consultation should be taken into account.

- 5.4 Case law has established that the definition of what is "fair" will be more stringent if people stand to lose an existing service or benefit. This would apply to cuts in school transport services.
- 5.5 It may be possible to mount a legal challenge via judicial review if a consultation has not been carried out fairly.

Statutory School Age

- 5.6 Statutory guidance recommends that local authorities should consult widely on any changes with all interested parties for at least 28 days during term time.

Young people of sixth form age

- 5.7 Under section 509AA of the 1996 Education Act, the local authority must publish a transport policy statement for students of sixth form age. This must be published by 31 May to take effect the next academic year, i.e. from September.
- 5.8 Local authorities must have regard to statutory guidance ([Post-16 transport and travel support to education and training](#)) when drawing up the policy for this age group. There are legal requirements for who must be involved in the consultation, including young people and their parents.

Relevant Young Adults

- 5.9 Under section 508G of the *Education Act 1996*, the local authority must publish a transport policy statement for 'relevant young adults' who are entitled to transport under the adult transport duty. Relevant young adults are defined as those under 25 with an EHC plan (the guidance however still uses the old terminology 'subject to learning difficulty assessment'). The policy must be published by 31 May to take effect the next academic year. There are legal requirements for who must be involved in the consultation, including relevant young adults and their parents.

Adult Social Care

- 5.10 There are no statutory duties to consult on travel assistance policies with vulnerable adults and their families.

6. Evaluation of alternative options

- 6.1 An alternative option would be to not consult on the All Age Travel Assistance policy and retain the existing Home to School Transport Policy, Post-16 Transport Policy and Adult Social Care Transport Policy. However, the existing policies would require significant amendment to ensure they are lawful and efficient, and to enable more choice and a personalised travel offer to people of our City. Therefore, this option is not recommended.
- 6.2 Another alternative option would be to defer consultation in favour of gathering further informal engagement evidence with the public. This would mean that more

time could be spent gathering evidence to further support the development of the policy to ensure a full range of travel assistance options to support personalisation and independence were considered.

7. Reasons for decision

- 7.1 The service cannot continue to provide travel assistance in the manner it has to date, and development of a full range of travel assistance options, including Personal Transport Budgets and bespoke solutions for families will provide people of our City with increased choice and personalisation.
- 7.2 It is acknowledged that the current transport policies can be developed to better support individual's needs. The proposal is to develop a new All Age Travel policy which would be more transparent, and person-centered.

8. Financial implications

- 8.1 The City of Wolverhampton Council currently spends approximately £3.4 million on Education and Adult Social Care transport (£2.7 million of which is transport for Education). The Delivering Independent Travel Programme Board is aiming to increase efficiencies within the provision of travel assistance without compromising service. It is proposed that an all age travel policy would allow for optimisation of these efficiencies.

[RT/23052019/N]

9. Legal implications

- 9.1 The Council has a duty under section 508A of the Education Act 1996 to promote sustainable modes of travel.
- 9.2 The Council also has a duty under Section 508B of the Education Act 1996 to make suitable home to school travel arrangements for eligible children.
- 9.3 The Council has the power under section 509A of the Education Act 1996 to make travel arrangements for children receiving early years' education otherwise than at school.
- 9.4 The Education Act 1996 requires local authorities to adopt and give effect to a transport policy statement dealing with young people of sixth-form age (section 509AA) specifying the arrangements for the provision of transport or otherwise that the authority consider it necessary to make for facilitating the attendance of persons of sixth form age at their place of education or training.
- 9.5 The Council has a duty under section 508F of the 1996 Act to make such arrangements for the provision of transport and otherwise as the authority consider necessary for facilitating the attendance of adults at their place of further or higher education, and the Council must prepare and publish a transport policy statement dealing with young adults aged 19 and over for whom an Education, Health and Care Plan is maintained (Section 508G).

- 9.6 The Education Act 1996 does not expressly require the preparation of a transport policy for children of compulsory school age. However, the statutory guidance says “local authorities must publish general arrangements and policies in respect of home to school 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”.
- 9.7 The Council is under a duty to have regard to statutory guidance issued by the Department for Education when carrying out its duties in relation to home to school travel and transport, including when making and consulting on policy changes.
- 9.8 Section 30 Children and Families Act 2014, requires Local Authorities to publish information known as a “Local Offer” about support provision available for children and young persons in its area with special educational needs and disabilities. Such information must contain information pertaining to transport. It is acknowledged that if, following consultation, changes are made, the Council’s Local Offer will require updating.
- 9.9 There have been a number of legal challenges recently with regards to Home to School Transport provided by other Local Authorities and the quality of consultations. The consultation to be undertaken on the All Age Travel Assistance Policy will reflect this learning nationally, ensuring that all statutory stakeholders are consulted; and the consultation process is robust and meaningful.
- [AS/220502019/A]

10. Equalities implications

- 10.1 This report has equal opportunities implications as the contents of the draft all Age Travel Policy and consultation principles have direct relevance to the provision of travel assistance to educational establishments and social care opportunities.
- 10.2 All necessary formal consultation work must be undertaken before decisions regarding policy have been made and in a way that engages those with a legitimate interest in the potential outcome of this work. Doing this allows the Council to demonstrate that it had had “due regard” to the requirements of Section 149 of the Equality Act.
- 10.3 An initial Equalities Impact Assessment (EqIA) has been undertaken and will operate as a live document. Further iterations of the EqIA will be informed by the outcomes of consultation and be reported to decision makers.

11. Environmental implications

- 11.1 This proposal will support greater independence for individuals using specialist transport and their families. This will be achieved through the Council offering alternative forms of assistance and increasing use of Independent Travel Training.

- 11.2 It is expected that the new policies will lead to a reduction in use of specialist taxis mini-buses and coaches, as individuals transition to the use of public transport. This will have a positive impact in terms of environment and congestion around schools. This should also support improved air quality. However, there is likely to be an increase in use of own vehicles to transport children to school – this may offset any benefit from a reduction in specialist transport usage.
- 11.3 The new policies will also lead to an increase in use of public transport, walking, cycling and other sustainable forms of transport. This will have a positive environmental impact.

12. Human resources implications

- 12.1 There are no direct Human Resources implications arising from this project. However, the delivery of the policy may impact structures and potential ways of working.

13. Corporate landlord implications

- 13.1 There are no Corporate Landlord implications arising from this project.

14. Health and Wellbeing Implications

- 14.1 Members of the SEND and Commissioning Partnership Board have been included in engagement conversations to help shape the travel offer.
- 14.2 Wolverhampton Clinical Commissioning Group (CCG) and relevant health providers have been also been included in engagement conversations to help shape the travel offer.
- 14.3 Greater independence can enable people to access a wider range of positive social activities.
- 14.4 Greater independence can open up more routes to further education, employment or leisure.

15. Schedule of background papers

- 15.1 Cabinet (Resources) Panel, 5 March 2019 – Revenue Budget Monitoring
- 15.2 Scrutiny Board, 4 June 2019 – All Age Travel Assistance Policy

16. Appendices

- 16.1 Appendix 1 – All Age Travel Assistance Policy Presentation
- 16.2 Appendix 2 – Draft All Age Travel Assistance Policy