

<b>Report title</b>	All Age Travel Assistance Policy	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Dr Michael Hardacre Education and Skills	
<b>Key decision</b>	Yes	
<b>In forward plan</b>	Yes	
<b>Wards affected</b>	All Wards	
<b>Accountable Director</b>	Emma Bennett, Director of Children's Services David Watts, Director of Adult Services	
<b>Originating service</b>	Special Educational Needs and Disability	
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<b>Report to be/has been considered by</b>	Children, Families and Young People Scrutiny Board	9 March 2020
	Joint Education and Children and Young People Leadership Team	20 February 2020
	Adults Leadership Team	18 February 2020
	City Environment Leadership Team	24 February 2020

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**Recommendations for decision:**

The Cabinet is recommended to:

1. Approve the All Age Travel Assistance Policy (appendix 1).
2. Approve the phased implementation of the All Age Travel Assistance Policy over 18 months as detailed in section 6 of the report.

## 1.0 Purpose

- 1.1 The purpose of this report is to set out the background and context for the proposed All Age Travel Assistance Policy and supporting appendices, including the 12-week public consultation held between 2 September to 29 November 2019.
- 1.2 The City of Wolverhampton Council (the Council) is committed to supporting the independence of vulnerable children, young people and adults. The proposed policy is intended to improve the travel assistance offer to better support the needs of people of our City and to promote independence.

## 2.0 Context

- 2.1 The All Age Travel Assistance Policy is framed by our statutory duties including:
  - To promote sustainable modes of transport in accordance with section 508A of the Education Act 1996
  - To make travel arrangements for children receiving early years' education under section 509A of the Education Act 1996
  - To publish an annual post 16 transport statement in accordance with the Education Act 1996
  - To publish general arrangements and policies for home to school transport for children of compulsory school age which should be easy to understand in accordance with the Education Act 1996
  - 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 under Section 30 Children and Families Act 2014
  - To provide support for adults with care and support needs in accordance with the Care Act 2014
  - To comply with statutory obligations of the Equality Act 2010 to make reasonable adjustments for children, young persons and adults with disabilities, to have due regard to mechanisms for eliminating discrimination in accordance with the Public Sector Equality Duty
- 2.2 Currently the Council provides travel assistance to over 1,300 Children, Young People and Adults and the number of individuals that require travel assistance is increasing each year.
- 2.3 **The Council has a statutory duty to provide travel assistance to pupils with special educational needs and disabilities.** Currently, the Council provides transport for 831 pupils (2019/2020) with Special Educational Needs and Disabilities (SEND) and transports 51 adults (2019/2020) with care and support needs across the City enabling them to attend activities and inclusion within their community. As part of our current travel

offer we also provide 400 bus passes. The following policies are in place which determine if a pupil is eligible:

- Home to School Transport Policy
- Post 16 Transport Statement

**2.4 For Adults, the Council has 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.

2.5 The Council recognises this duty and is committed to continuing to meet it. Although the Council is aware that transport provision is an important service for many of our citizens in the City, feedback from public engagement (please refer to appendix 3 which includes a summary of the outcome of consultation and appendix 2 which is the final evaluation of consultation) has suggested some people feel they would benefit from a wider travel offer.

### **3.0 Background**

3.1 A Corporate Transport Steering Group was established in 2017 which emphasised that there was a need to widen the current travel offer and to maximise independence. As part of this work IMPOWER was commissioned and found that the Council's travel offer did not reflect its ambition of promoting independence.

3.2 A white paper was produced by the Wolverhampton Challenge Board in December 2017 to influence and shape the City's future priorities around special educational needs and disability. This highlighted that young people with special educational needs and disabilities wanted to learn how to travel independently and affirmed they wanted to be supported to do so.

3.3 Following this work a Delivering Independent Travel Board was established of which an integral programme outcome was the development of a consistent policy for travel assistance which would support vulnerable children and adults with additional needs to develop travel skills (if appropriate to do so) and become empowered to live more independent lives.

3.4 The Council has identified the following aims for our new travel offer to achieve improved outcomes for the City of Wolverhampton:

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

- 3.5 These aims underpin the work and engagement that was undertaken to develop the Draft All Age Travel Assistance Policy.
- 3.6 This resulted in a series of engagement sessions that were held from February to April 2019 to shape the development of the Draft All Age Travel Assistance Policy
- 3.7 The engagement sessions informed the Draft All Age Travel Assistance Policy. A 12-week public consultation then followed.

#### **4.0 Changes to our current policy position**

- 4.1 The Council already holds a policy for home to school transport and publishes a post 16 transport statement annually in line with our legal duties.
- 4.2 There is no current policy regarding travel assistance needs for adults through holistic individual assessment of needs which are carried out in line with our duties under the Care Act 2014.
- 4.3 When undertaking the development of the Draft All Age Travel Assistance Policy the Council consulted specifically on those areas where there were significant shifts from our current policy position, these are:
- **Proposal One** - City of Wolverhampton Council's current Home to School Travel Policy, Post 16 Travel statement and Adult Social Care Transport protocol would be combined into a single All Age Travel Assistance Policy
  - **Proposal Two** - The introduction of a personalised assessment process
  - **Proposal Three** - The introduction of charges for young people of sixth form age
  - **Proposal Four** - The removal of automatic eligibility to travel assistance in an educational establishment for Social, Emotional and Mental Health (SEMH) needs
  - **Proposal Five** - To provide transport only from a single address unless there are exceptional circumstances
  - **Proposal Six** - To amend and clarify the application and appeals process for Home to School Travel Assistance
  - **Proposal Seven** - To reaffirm that travel assistance is only provided to the nearest appropriate educational establishment or social care venue unless there are exceptional circumstances
  - **Proposal Eight** - To reaffirm that where individuals are eligible for transport, pick-up points will be used unless there are exceptional circumstances
  - **Proposal Nine** - The new policy aims to explain more clearly that parents are expected to accompany their children to school unless there are exceptional circumstances

## 5.0 Consultation

- 5.1 358 people participated in the public consultation through completion of a survey and attendance at 24 consultation focus groups.
- 5.2 A range of communication methods was used to promote the consultation including promotion in schools, colleges and day care centres, emails, posters, press releases, proposal summary document, accessible proposal summary document and social media outlets.
- 5.3 Parents / Carers of pupils and adults in receipt of travel assistance received direct correspondence about the consultation to inform them that they may be directly impacted by the outcome.
- 5.4 The outcome of consultation is summarised in appendix 3 and the final evaluation report can be found in appendix 2.
- 5.5 The Consultation Institute, an organisation independent of the Council, was commissioned to provide ongoing support and advice throughout the life time of the consultation. They have provided an extra layer of assurance ensuring that the consultation has been conducted fairly and robustly. The Consultation Institute conducted a mid-point review of the consultation which ascertained the extent to which the dialogue methods being used were successfully engaging the identified groups and individuals. Additionally, they reviewed the final evaluation report which established that the Consultation Institute were satisfied with the final output report.

## 6.0 All Age Travel Assistance Policy implementation

- 6.1 Subject to approval by Cabinet, the All Age Travel Assistance Policy will be implemented through a phased approach over 18 months. Please see the indicative timeline below:

Date	Activity
18 March 2020	All Age Travel Assistance Policy Cabinet sign off
April 2020	All Age Travel Assistance Policy assessment process go live date for new applicants requesting travel assistance for September 2020
May 2020	Publish post 16 Transport Policy Statement for young people of sixth form age
September 2020	All Age Travel Assistance Policy comes into effect for school age children
September 2021	Start of post 16 charging for young people entering year 12
September 2022	Start of post 16 charging for young people entering year 13
September 2023	Start of post 16 charging for young people entering year 14. Policy fully implemented.

6.2 The Council is still required to ensure the policy is designed to align with corporate style which will be completed prior to the policy being published in April 2020.

## **7.0 Financial implications**

7.1 The Council is currently projecting to spend around £4.6 million on the provision of transport, escorted travel (travel assistants) and scheme administration for Education and Adult Social Care (£3.9 million of which is attributable for transport for Education).

7.2 Given the scope within this service, the Delivering Independent Travel Programme Board is aiming to increase efficiencies within the provision of travel assistance (e.g. by offering independent travel training and personal transport budgets). It is proposed that an All Age Travel Assistance Policy would allow for optimisation of these efficiencies whilst still supporting those most in need, promoting independence, providing cost effective and sustainable travel and meeting statutory requirements. This policy review has been conducted against a background of demographic led pressures impacting on costs, particularly within the education sector.

7.3 The proposed All Age Travel Assistance Policy has been founded on an overarching principle that the Council should support the development of independence where possible. The proposals within the policy support this overarching principle for example, the promotion of independent travel training.

7.4 At this stage it is difficult to estimate the financial impact of certain proposals, for example, the proposal that travel assistance will only be provided from a single address. The financial impact of this and similar proposals will need to be considered as part of any on-going route review, design and transport provision by the Council. It is anticipated that over time, efficiencies may be generated which impact positively, not only on the Council's finances, but also through improvements in well-being and reductions in social care dependencies. The impact of this will help to offset the financial impact of expected increases in projected demand over the medium term.  
[RT/30012020/L]

## **8.0 Legal implications**

8.1 The Council has a duty under section 508A of the Education Act 1996 to promote sustainable modes of travel.

8.2 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.

8.3 Eligible children are defined within Schedule 35B Education Act 1996 as children unable to walk to school by reason of their special educational needs, disability, or mobility problem (including temporary medical conditions); children unable to walk in safety to school because of the nature of the route, and children living outside 'statutory walking distance', which is two miles for children under eight and three miles for older children. Special rules about distance apply to children from low income families.

- 8.4 Eligible children only qualify for free transport to the nearest qualifying school. This is defined as the nearest publicly maintained school, with places available, that provides education appropriate to the age, ability and aptitude of the child, and any special educational needs that the child may have. For children with special educational needs, if a school is the only school named in an Educational, Health and Care (EHC) Plan, this means it is the nearest suitable school for school transport.
- 8.5 The Education Act 1996 empowers local authorities to make arrangements for children not covered by the statutory duty. This includes the power, under section 509A of the Education Act 1996, to make travel arrangements for children receiving early years' education otherwise than at school.
- 8.6 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.
- 8.7 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).
- 8.8 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".
- 8.9 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.
- 8.10 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.
- 8.11 Section 149 Equality Act 2010 imposes the "Public Sector Equality Duty" upon CWC which requires that a public authority must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010 advance equality of

opportunity between persons who share a relevant protected characteristic and persons who do not share it, and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Section 20 of the Equality Act 2010 imposes a duty to make reasonable adjustments for disabled persons in circumstances where the Equality Act 2010 applies.

8.12 A Local Government Ombudsman Report March 2017 “*Navigating School Transport Issues Focus Report: Learning Lessons From Complaints*” summarised the “emerging issues” regarding complaints with the application of and changes to Home to School Transport policies made by other Local Authorities as falling into three broad areas. Namely:

- i) changes to school transport policies not being undertaken fairly or transparently and confusing or insufficient information about when free transport will be provided;
- ii) local authorities not applying the transport guidance properly when considering applications and conducting appeals. This includes those who are not of compulsory school ages (post 16 and under-five-year-olds); and
- iii) failing to apply policies properly regarding children with Special Educational Needs issues, including those not of compulsory school age.

8.13 Moreover, any infringement of public law principles in developing, implementing or applying this policy may leave the City of Wolverhampton Council susceptible to subsequent legal challenge. The consultation on the All Age Travel Assistance Policy was undertaken and the policy developed and drafted with every endeavour of reflect upon this national learning, ensuring that all statutory stakeholders were consulted; and the consultation process was robust and meaningful.

8.14 Section 1 Care Act 2014 provides that local authorities have a duty to promote an individual’s well-being. Section 2(4)(e) of the Care Act 2014 provides that an individual’s “well-being” includes participation in work, training or education.  
[AS/29012020/A]

## **9.0 Equalities implications**

9.1 This report has equal opportunities implications as the contents of the Draft All Age Travel Assistance Policy and consultation principles have direct relevance to the provision of travel assistance to educational establishments and social care venues. A detailed equalities analysis has been completed on the All Age Travel Assistance Policy.

9.2 All necessary normal 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.

9.3 Throughout the development of this policy and at 2 key stages of this development there have been iterations of the equality analysis to allow officers and Councillors to reflect on the equalities implications of draft policy at these key stages so that amendments could be made to it. The equality analysis attached here is a detailed analysis of the policy as it is envisaged, following the conclusion of the period of formal consultation and includes responses to the equalities issues raised during that period. Considering the implications contained in the analysis and other papers will assist Councillor's to demonstrate "due regard" to the Equality Act as described above.

## **10.0 Climate change and environmental implications**

10.1 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.

10.2 It is anticipated that the new policy could lead to a reduction in use of specialist taxis mini-buses and coaches, as some individuals transition to the use of public transport. This would have a positive impact in terms of environment and congestion around schools. This should also support improved air quality. However, there could be an increase in use of own vehicles to transport children to school – which may offset any benefit from a reduction in specialist transport usage and would need to be monitored.

10.3 The new policy could also support an increase in the use of public transport, walking, cycling and other sustainable forms of transport. This will have a positive environmental impact.

## **11.0 Human resources implications**

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

## **12.0 Corporate landlord implications**

12.1 There are no Corporate Landlord implications arising from this project.

## **13.0 Health and Wellbeing Implications**

13.1 Members of the SEND and Commissioning Partnership Board have been included in engagement conversations to help shape the travel offer.

13.2 Wolverhampton Clinical Commissioning Group (CCG) and relevant health providers have been also been included in engagement conversations to help shape the travel offer.

13.3 Greater independence can enable people to access a wider range of positive social activities.

13.4 Greater independence can open up more routes to further education, employment or leisure.

#### **14.0 Schedule of background papers**

- 14.1 4 June 2019 - Scrutiny Board - [Consultation on the All Age Travel Assistance Policy](#)
- 14.2 10 July 2019 – Cabinet - [Draft All Age Travel Assistance Policy](#)
- 14.3 28 February 2020 – All Age Travel Assistance Policy Equalities Analysis

#### **15.0 Appendices**

- 15.1 Appendix 1 – All Age Travel Assistance Policy
- 15.2 Appendix 2 – Evaluation report of the All Age Travel Assistance Policy Consultation
- 15.3 Appendix 3 – Summary of All Age Travel Assistance Policy Consultation response