

EXTRACT FROM THE DRAFT MINUTES OF THE CABINET MEETING 19 JUNE 2018

Item 7: Home to School Transport and Travel Policy

The Council had proposed and consulted upon a number of changes to its home to school transport policies applying to Post 16 students and to those of statutory school age. Cabinet considered a report seeking approval of the changes and revised Home to School Transport and Travel Policy. Cabinet also had before them the comments and recommendations of the Education Scrutiny Committee, which had considered the Cabinet report at its meeting held on 18 June 2018.

Damian Haywood, a parent of a child with special educational needs (SEN) and Chair of the governing body at Mabel Prichard School spoke against the recommended changes relating to SEN students. Mr Haywood spoke of the importance of respite care for parents of vulnerable children and the impact that loss of transport to or from respite care would have on his and other families. If transport was curtailed it would affect his and others working lives. Families were really scared of the implications for their family circumstances. Mr Haywood also referred to the implications for the Education and Health Care Plan process, that was already under pressure and the changes would mean a need to review plans. Mr Haywood feared that the changes would restrict the life opportunities of young people and would lead to increased pressure on adult social care in future. Mr Haywood submitted a petition against the changes signed by 2,500 people, picking out the comment of one signatory that young people with SEN were entitled to live a full life despite their disabilities.

Phillip Middlewood, as a parent with two children with learning difficulties spoke against the changes relating to SEN students, Mr Middlewood explained the difficulties his family would face if transport to specialist out of school provision was removed. He indicated that as a family with a car they were unlikely to qualify for a spare seat under the policy and even if they did it was guaranteed only for one term at a time. Financially it was unlikely they would receive support if they did not get a seat on the bus and it was likely that either he or his wife would need to give up working.

David Mytton, speaking as a parent of a son with severe learning disabilities, spoke against the proposals as they affected SEN pupils. He outlined his son's difficulties and stressed that the local college was not suitable and he was unable to travel alone to the suitable provision. He detailed the impact if transport was withdrawn and that although happy to pay a contribution he and others like him would not qualify for any help. His family was part of the special needs community and they stood together. Many families were intensely anxious about the proposals.

Keith Strangwood, in speaking against the recommendations supported earlier speakers in everything they said. He detailed the effect on families with children with SEN by reference to the circumstances of his daughter. She was in employment but if she lost transport for her son would be likely to lose that employment. The proposals were not cost neutral. Mr Strangwood commented that the papers made no reference to Frank Wise School. He queried whether the proposals complied with

the DDA and the Council's responsibilities to children with special needs. He suggested that more could be done to make savings through the service providers and that the information was not detailed enough so it would be reasonable to defer the decision for further information.

Jane Pargeter, as a parent with a child at Frank Wise School described for Cabinet what it was like to have a child with disabilities and the difficulties faced by families. However, she had met amazing people through the provision at Frank Wise School. There was nothing suitable in her local area. Transport enabled access to the school and was the glue holding everything together. Without it things would unravel. There were no guarantees and she queried whether transport could be organised, or guaranteed, whether it would be safe, whether she would still be able to work and whether her son would still be able to get to school.

Councillor Marie Tidball, City Executive Board Member for Supporting Local Communities spoke in support of free SEND transport which had enabled her to access education from a rural location. Oxford City Council strongly opposed the changes to essential SEND transport. Without it young people with disabilities faced reduced independence. The County Council already faced challenges around the numbers of young people with SEND being excluded from schools. In contrast SEN transport had been singled out as a strength. Councillor Tidball asked Cabinet to reconsider ending free transport for most Post 16 SEND students and suggested an increased use of the Council's own transport fleet.

Councillor John Howson, local councillor for St Margaret's in supporting the recommendations of the Education Scrutiny Committee asked that discussion be held with Henley College to find a way forward with assistance from the College. He commented that two years after supporting a budget on the basis of avoiding further extensive reductions in services he found himself speaking on another cut in services. He stated that the rules on home to school transport were illogical, steeped in history and not suited to the current rules regarding education to 18. The government had failed to act when increasing the education age requirements. Councillor Howson referred to the position in London where free transport was widely available to children and young people. He believed that any young person should be presumed to need transport unless good reason was shown to the contrary. He queried the meaning of recommendation 1(a) and in particular how the limit would be drawn on continuing to provide transport assistance to all Post-16 students who would otherwise be unable to access education. It was the wrong time to take proposals forward with the SEND and high needs reviews ongoing.

Councillor Emma Turnbull, Shadow Cabinet Member for Public Health & Education, spoke against the SEND proposals that she felt were ill conceived, harmful and unnecessary. Councillor Turnbull suggested that the proposals were a blatant disregard of the Equalities Act 2010 and queried whether they constituted unlawful discrimination. She noted that following other authorities was not necessarily the right course of action as they were not necessarily lawful. The proposals were unnecessary to produce the saving required when it was possible to overhaul a wasteful procurement model. She suggested that a more efficient model would be to bring it in-house and to run an integrated transport service. Alternative options such as in-house provision or alternative procurement models and not been considered in

the SCIAAs. Councillor Phillips queried why SEND transport was not included in the transformation programme and why it was not part of the SEND and high needs review.

Councillor Michael Waine, Chairman of Education Scrutiny Committee, explained the reasons behind the decision of the Committee to scrutinise the report carefully. The Committee had accepted that much of it was a tidying up except for the proposals relating to SEND transport. The Committee had looked at whether what was being proposed was fair and equitable and that all options had been explored. They also considered why SEND transport costs were increasing. He highlighted that a significant number of students to Bardwell Special School travelled between them 130,000 miles per year. Of those a large majority lived within 2 miles of a local school. It was not just about the cost factor but about the impact on those children's lives. Councillor Waine queried why the changes were being proposed in isolation from the SEND and high needs reviews and whether the lack of local places was pushing up travel costs. The Committee had not found satisfactory answers to their questions and concerns and found the report unsatisfactory. Councillor Waine added that he had witnessed the arrival of children at Bardwell School and found the experience humbling. In conclusion Councillor Waine suggested that there were not places available at local schools and the change in policy penalised those children placed elsewhere.

Councillor Hudspeth, Leader of the Council, thanked all the speakers. Councillor Steve Harrod, Cabinet Member for Children and Family Services also particularly thanked parents for the courage they had shown in coming forward to speak today and sharing their moving stories.

Councillor Harrod, in introducing the contents of the report appreciated that the recommendations were contentious. However, he had spoken to officers and was convinced it would not impact on existing provision. It addressed the funding of existing provision. All children would be encouraged to meet their full potential and no child would be left without transport.

Lucy Butler, Director for Children's Services, summarised the proposals noting that the proposals were not just about Post 16 SEND transport and not about the County Council withdrawing transport. Transport would still be provided to college or school but the Council would be looking for a contribution from some people. She referred to the bursary scheme detailed in the report and added that if a family came back to the Council having failed to secure support their case would be looked at. No child would be unable to get to school. Lucy Butler went on to outline the fund set up to support access to respite and after school activities. She confirmed that this policy only related to Home to School Transport and that travel in relation to respite was dealt with under different arrangements. She corrected the recommendation on Henley College that should have referred to subsidised rather than free travel. Lucy Butler responded to questions from Councillor Harrod. She set out the travel training programme that would be available to support pupils, where appropriate, with travelling to school. She confirmed that the policy was not discriminatory and was in line with national policy. Different models of provision had been looked at. Neil Darlington, Admissions and Transport Services Manager, added that part of the

transport was already provided by a direct labour organisation. However, this was not seen as the most economic way to deliver transport across the County.

Lucy Butler responding to questions from Cabinet Members:

- 1) Refuted the suggestion that it would affect choice. It was about making a contribution to the costs.
- 2) Detailed what would happen if parents were unable to pay given the policy was quite prescriptive. Lucy Butler explained that some people were exempt and others would make a contribution. Where there was a difficulty the Council would look at it. Asked about timescales for decisions on the bursary Neil Darlington advised that the decision could be taken in a number of days once they had the information. All schools had bursaries.
- 3) Confirmed the information in paragraph 16 that the changes to Post 16 SEND transport would not take effect until September 2019.
- 4) The Council would work with schools and parents to identify and provide the travel training to those children for whom the support would be appropriate.
- 5) Separate arrangements are in place for respite care.
- 6) The costs set out in the table at paragraph 35 was the contribution expected from parents not the full cost of provision and was in line with other charges. She confirmed that the charges were as set out and that parents of children requiring more specialist transport and support would not pay more. Their transport needs would be considered alongside other needs as part of their assessment rather than as part of the home to school transport process.
- 7) Confirmed that there were no changes to transport for 5-16 year old pupils with SEND.

Councillor Harrod, responding to concerns that there would be insufficient spare seats stated that if there were not sufficient seats the Council would provide more seats.

Councillor Hibbert-Biles, Cabinet Member for Public Health and Education, spoke against the proposals commenting that her original worries had not gone away. She would have liked to have deferred the decision for further work with the Heads of special and mainstream schools as they had wanted and which had not happened. They had responded to the consultation. She was saddened that she was unable to support but felt that SEN transport should be included in the SEND and higher needs reviews. As a councillor she would be willing to give up her allowance in order for children not to be impacted by the changes.

A number of Cabinet Members expressed themselves satisfied with the responses they had received from officers. They were clear about the way it would operate and were reassured that transport would not be taken away from anyone and the intention was to seek a contribution from those that could afford it.

Councillor Harrod, in moving the recommendations with the amendment to the recommendation on Henley College, stated that no children would be denied transport to school as a direct result of the recommendations.

RESOLVED: (1) to agree the following proposals for SEND students:

- a) To agree the ending of the current arrangements giving free travel to Post 16 students who have special educational needs and/or disabilities, levying the 'spare seat' charge where the Council provides transport, and implementing this change from September 2019. In addition, it is recommended that the Cabinet agrees to continue to provide transport assistance to all Post-16 students who would otherwise be unable to access education and to encouraging low income parents of Post 16 students to apply to their school or college for a 16–19 bursary to defray the costs of transport.
- b) To agree to the setting of a specific cash limited budget for supporting access to after school clubs for those who have the most complex needs or are identified as being from vulnerable families who do not have access to transport. The eligibility criteria should be similar to those for supporting access to holiday activities for this group of children and young people who are aged 5 to 17.

(2) to agree the following proposals for all students:

- a) To agree the ending of the current arrangements giving subsidised travel to Post 16 students to Henley College and to implement this change from September 2018.
- b) To agree that from September 2018 free travel should be provided for those students who have been placed at an alternative education provider if the places have been paid for by Oxfordshire County Council and the distance from home to the placement is over the statutory walking distance or the route is unsafe to walk even if accompanied, as necessary, by a responsible adult.
- c) To confirm the increased charges for the Spare Seat Scheme for 2018/19 and 2019/20 and agree an increase in the charges for the Spare Seat Scheme of 2% in 2020/21, 2% in 2021/2022 and a further 2% in 2022/23.
- d) To agree to the continuation of free travel for children of secondary school age who live at RAF Benson to Icknield Community College and to agree to annually review this arrangement.
- e) To introduce the new Home to School Travel and Transport Policy for those aged 5 to 16 and the new Post 16 Home to School/College Transport Policy from September 2019.