

By: Managing Director – Children, Families & Education

To: Children Families and Education Policy Overview Committee –  
13 November 2008

Subject: SEN TRANSPORT AND TRANSPORT POLICY

Classification: Unrestricted

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Summary: Provides an update on the report presented to Policy Overview Committee on 25 March 2008 to advise Members on progress of the review of the Transport Policy, reports on some on-going work to inform the Policy and identifies some potential budget pressures.

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## **Introduction**

1. (1) The report to Policy Overview Committee on 25 March 2008 sought and secured endorsement for the development of a new all encompassing Kent Policy on Transport for Children, Families and Children to cover transport arrangements for all children and young people attending settings, schools and colleges.

(2) The proposal to develop a new single policy with various components followed the enactment of new requirements within the Education and Inspections Act 2006 to extend certain duties to provide free transport to eligible children with special educational needs (SEN), disability or mobility problems and to eligible children from low income families.

## **Progress**

2. (1) There has been considerable progress made in putting together a document containing the main elements of an effective policy on home to school transport. This paper focuses on transport for children with SEN, disability or mobility needs. However, there are a number of activities currently taking place that are pending that will inform, and are required to enable, its completion.

## **Activities Pending**

3. (1) Legal advice is being sought on a number of areas. One of these areas concerns the extent of KCC's responsibility for children before being picked up and after being dropped off by school transport. This is particularly pertinent in relation to children with special educational needs and disabilities who are, for the most part, very vulnerable.

(2) Another area on which advice is being sought concerns recent changes to licensing legislation. Work is taking place to explore the possibility of some special schools providing transport for the children who attend their schools, as they are better

placed to provide the specialist arrangements some children require. However, clarity on the implications of the new licensing legislation is required.

(3) As access to Freedom Passes is being rolled out across the County, work is currently being undertaken to identify how barriers that exist for children and young people who have severe and/or complex needs to access transport can be resolved. This is particularly pertinent to those children who need access to a companion or escort to enable them to travel on public buses. This work has not yet been completed.

(4) It is necessary to draw to Members' attention the case of a pending High Court appeal in relation to transport provision for a child to attend an after-school club. The case concerns another Local Authority, which refused to provide transport. An SEN Tribunal found in favour of the Authority but the parent is appealing against this decision. An outcome is awaited which will have implications for all Local Authorities.

## **Resources**

4. (1) At March 2008 approximately 3764 children and young people were receiving SEN transport. The net outturn on SEN spending for the 2007/08 financial year was £15,698,000. The spending to date this financial year is not yet available but will be at the end of November 2008.

(2) Some of the work that is being done with special schools in relation to Freedom Passes should have the potential to provide services that are more cost effective. There should be benefits in terms of being able to provide transport arrangements that are more suitable to the needs of the children and young people. Additionally, it should facilitate the task of improving independence skills in young people.

(3) Despite these potential savings, there are considerable pressures on the transport budget. These include the recent steep increases in the cost of fuel and an increase in the number of children with SEN travelling on a single-occupancy basis in taxis. This latter increase has been brought about by an increasing number of young people with very complex needs associated with behaviour and mental health problems. For these young people, travelling in a taxi with others puts the driver, other road users and their travelling companions at serious risk.

(4) The implementation of the Units' Review should provide savings in the fullness of time as provision should become available closer to children's home address. However, as Phase One (pilot area) has only just started and full-implementation is not likely to take place before 2010, it is too early to say what the impact is or will be.

(5) Finally, the other possible pressure comes from the pending High Court appeal in relation to the extended school agenda. If the court finds in favour of the parent, the cost implications for Local Authorities will be very considerable.

## Conclusion

5. The new Transport Policy is progressing but is waiting for the outcome of a number of activities before it can be finalised. While there are measures being taken to provide options for transport that represent improved value for money, there are budget pressures coming from other sources that are likely to counteract the effect of any savings. When the units' review is fully implemented, it is anticipated the overall net effect will be a saving.

## Recommendations

Members of the Children Families and Education Policy Overview Committee are asked to note progress made on the Transport Policy, the outstanding matters and the potential budget pressures that may arise that would increase the expected spend.

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Background Documents:

None

Other Useful Information:

None