

Lancashire County Council

Education Scrutiny Committee

Tuesday, 17 June, 2014 at 2.00 pm in Cabinet Room 'D' - The Henry Bolingbroke Room, County Hall, Preston

Agenda

Part 1 (Open to Press and Public)

No.	Item
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1.	Apologies
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2.	Appointment of Chair and Deputy Chair
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To note the appointment by Full Council on the 15 May 2014 of County Councillor Cynthia Dereli as Chair of the Committee and County Councillor Susie Charles as Deputy Chair for 2014/15.

3.	Membership, Terms of Reference and Programme of Meetings.	(Pages 1 - 6)
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4.	Disclosure of Pecuniary and Non-Pecuniary Interests
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Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.

5.	Minutes of the meeting held on 11 March 2014	(Pages 7 - 12)
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6.	Transport Policy for Children and Young People with Special Educational Needs and Disabilities	(Pages 13 - 58)
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7.	Urgent Business
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An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

8. Date of the Next Meeting

The next scheduled meeting of the Committee is due to be held at 10.00am on the 15 July 2014 in Cabinet Room 'C' – The Duke of Lancaster Room, County Hall, Preston.

I M Fisher
County Secretary and Solicitor

County Hall
Preston

Agenda Item 3

Education Scrutiny Committee
Meeting to be held on 17 June 2014

Electoral Division affected: None

Membership, Terms of Reference and Programme of Meetings (Appendix A refers)

Contact for further information: Janet Mulligan, Office of the Chief Executive, 01772 533651, janet.mulligan@lancashire.gov.uk

Executive Summary

This report sets out the membership, terms of reference and programme of meetings for the Education Scrutiny Committee.

Recommendation

The Committee is asked to note:

- i. The membership of the Committee following the County Council's Annual Meeting on 15 May 2014.
- ii. The Terms of Reference of the Committee
- iii. The agreed Programme of Meetings for 2014/15

Background and Advice

The Full Council at its Annual Meeting on 15 May 2014 appointed County Councillor Cynthia Dereli as Chair of the Committee and the County Councillor Susie Charles as Deputy Chair of the Committee for the 2014/15 municipal year.

The Full Council also agreed that the Committee shall comprise 13 County Councillors (on the basis of 6 Labour members, 1 Liberal Democrat member, 5 Conservative members and 1 Independent member). Nominations of County Councillors to serve on the Committee have been submitted to the County Secretary and Solicitor by the respective political groups.

The County Councillors (13) appointed to serve on the committee for the following year are:

P Buckley	Dr M Hassan
Mrs S Charles	C Henig
A Cheetham	K Iddon
C Crompton	D Lord
B Dawson	B Murray
C Dereli	S Perkins
	M Perks

The following co-opted members will continue to serve on the Committee:

Voting Co-opted Members (5)

Miss T Jones – Representing RC Schools
Mr F Kershaw - Representing CE Schools
Mr K Wales - Representing Free Church Schools
Mrs J Hamid - Representing Parent Governors (Secondary)
Mr J Withington - Representing Parent Governors (Primary)

A copy of the Committee's Terms of Reference is attached at Appendix A.

At the meeting on the 13 December 2013 the full Council agreed the following programme of meetings for the Committee in 2014/15.

15 July 2014
21 October 2014
24 March 2015

Meetings will be held at 10.00 am in Cabinet Room 'C' at County Hall, Preston.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

There are no significant risks associated with this item.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Tel
Agenda/Proceedings from Full County Council	12 December 2013 and 15 May 2014	Janet Mulligan, Office of the Chief Executive, 01772 533361

Reason for inclusion in Part II, if appropriate
N/A

**Terms of Reference
Education Scrutiny Committee (13 County Councillors)**

Summary:

To review and scrutinise issues around education. The Committee will scrutinise the work and performance of any relevant part of the County Council and its partners and the functions of the relevant Cabinet Members.

The Committee shall include the statutory education Co-optees (five Co-optees comprising three Church representatives and two parent governor representatives) who shall have voting rights in relation to any education functions which are the responsibility of the Executive.

The following Terms of Reference should be read in conjunction with the above summary.

1. To review decisions made, or other action taken, in connection with the discharge of any relevant functions undertaken by the Cabinet collectively, or the relevant Cabinet Members or Cabinet committee.
2. To make reports or recommendations to the Full Council, the Cabinet or the relevant Cabinet Members or Cabinet committee with respect to the discharge of any functions undertaken by the Cabinet collectively or the relevant Cabinet Members or Cabinet committee.
3. In reviewing decisions (other than decisions designated as urgent under Standing Order 34(3)) made in connection with the discharge of any relevant functions undertaken by the Cabinet collectively or the relevant Cabinet Members or Cabinet committee, but which have not been implemented, the Committee may recommend that the decision be reconsidered by the person who made it or to refer the decision to the Full Council for it to decide whether it wishes it to be reconsidered by the decision taker.
4. To request a report by the executive to Full Council where a decision which was not treated as being a key decision has been made and the Education Scrutiny Committee is of the opinion that the decision should have been treated as a key decision
5. To hold general policy reviews and to assist in the development of future policies and strategies (whether requested by the Full Council, the Cabinet, the relevant Cabinet Members, Cabinet committee or decided by the Committee itself) and, after consulting with any appropriate interested parties, to make recommendations to either the Cabinet, the relevant Cabinet Members, Cabinet committee or to the Full Council as appropriate.
6. To fulfil all the statutory functions of an Overview and Scrutiny Committee as they relate to education functions of a Children's Services Authority.

7. To undertake reviews (whether requested by the Full Council, the Cabinet, the relevant Cabinet Members, Cabinet committee or decided by the Committee itself) and make recommendations to the Full Council, the Cabinet, Cabinet committee or the relevant Cabinet Members, as appropriate, on relevant services or activities carried out by external organisations which affect Lancashire or its inhabitants.
8. To consider any relevant matter referred to the Committee by the Scrutiny Committee following a request by a County Councillor or a Co-optee of the Committee who wishes the issue to be considered.
9. To request that the Scrutiny Committee establish sub-committees, task groups and other working groups and panels as necessary.
10. To invite to any meeting of the Committee and permit to participate in discussion and debate, but not to vote, any person not a County Councillor whom the Committee considers would assist it in carrying out its functions.
11. To require any Councillor who is a member of the Cabinet, the appropriate Executive Director or a senior officer nominated by him/her, or the Director of the Lancashire County Commercial Group to attend any meeting of the Committee to answer questions and discuss issues.
12. To recommend the Full Council to co-opt on to the committee persons with appropriate expertise in the relevant education matters, without voting rights

To recommend to the Scrutiny Committee appropriate training for members of the Committee on education related issues.

Agenda Item 5

Lancashire County Council

Education Scrutiny Committee

Minutes of the Meeting held on Tuesday 11 March 2014 at 10.00 am in Cabinet Room 'C' - The Duke of Lancaster Room, County Hall, Preston

Present:

County Councillor Cynthia Dereli (Chair)

County Councillors

P Buckley	C Henig
Mrs S Charles	K Iddon
A Cheetham	B Murray
C Crompton	R Newman-Thompson
B Dawson	M Perks

Co-opted members

Mrs Janet Hamid, Representing Parent Governors
(Secondary)
Miss Teresa Jones, Representing RC Schools
Mr John Withington, Representing Parent Governors
(Primary)

1. Apologies

Apologies were received from Mr Fred Kershaw and County Councillor Sandra Perkins.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

There were no declarations of interest in relation to matters appearing on the agenda.

3. Minutes of the meeting held on Tuesday 5 November 2013

Resolved: That the Minutes of the meeting held on 5 November 2013 be confirmed as an accurate record and signed by the Chair.

4. Dates of Future Meetings of the Committee

Resolved: That future meetings of the Committee be held at 10.00am in Cabinet Room 'C' at County Hall, Preston on the following dates in accordance with the decision of the Full County Council on 12 December 2013:

Tuesday 15 July 2014

Tuesday 21 October 2014
Tuesday 24 March 2015

5. Lancashire School Term and Holiday Arrangements

Mr Stott, Director of Universal and Early Support Services from the Directorate of Children and Young People presented a report which set out the current position and future arrangements for Lancashire School Terms and Holidays. Margaret Scrivens, Liaison and Compliance Officer, Directorate for Children and Young People joined Mr Stott in presenting the report.

It was reported that in June 2005, following consultation with schools and other relevant partners the Cabinet Member decided to adopt the Standard School Year recommended by the LGA and this was introduced in Lancashire Schools for the 2006/07 school year. Under the legal framework all community and voluntary controlled schools were required to follow the pattern. The Standard School Year pattern was commended to voluntary aided and foundation schools and, in the main, the pattern was followed. In recent years most academies had also followed the Lancashire pattern. Following a review the LGA found that less than half of councils were following the pattern of the Standard School Year, and in 2011 they took the decision not to recommend standard school dates in future years. In Lancashire the patterns recommended for 2012/13 and 2013/14 had already been published to all schools which were working with these dates.

It was noted that in the future, arrangements nationally for School Term and Holiday dates in maintained schools would no longer be steered by any central guidance but that there were two legal requirements – one setting the number of half day sessions as 380 and the other stating that in relation to community and voluntary controlled schools, the local education authority would determine the dates when the school terms and holidays were to begin and end. In the case of foundation and voluntary aided schools the governing body would be responsible for determining when the school term and holidays were to begin and end.

With the County Council's commitment to the Standard School Year, it had been agreed by the Children and Young Peoples' Directorate Leadership Team that in respect of the school years 2014/15 and 2015/16, the Authority would continue to determine the School Term and Holiday pattern based on the Standard School Year principles for community and voluntary controlled schools. The patterns would be commended to voluntary aided and foundation schools.

Keeping a pan Lancashire framework for school term dates and holidays rather than individual schools determining their own holiday dates was felt to be preferable so that, for example, families with children who attended different schools, would not be subject to extra child care costs if the dates set for the long summer break were all different. Many schools, it was felt, welcomed guidance on what the dates should be.

It was reported that there were also other implications should Lancashire County Council not set a common framework:

- Governing bodies would need to negotiate with other local schools, staff, unions and Diocesan/Church Authorities. For example, given the freedom to negotiate and set their own patterns, schools in the east of the County may decide to return to wakes weeks' patterns
- Without a school term and holiday framework, Lancashire County Council could be looking at considerable increase in home to school transport costs
- Monitoring the compliance of the 190 pupil/195 teacher days presented a Human Resources issue
- There could be issues in the provision of school catering
- There was the potential for an increase in staffing costs with respect to School Crossing Patrols

Members commented on the report as follows:

- That schools could be consulted to find out their views on the patterns for school terms and holidays and in particular for a four term year and the consequent reduction in the length of the summer break. Any changes made to the current framework would preferably be adopted on a County wide basis.
- That a four term school year might fit better with the modern working life and would be less disruptive to children's learning, especially the transition between Year 6 to Year 7
- In east Lancashire, before the introduction of the Standard School Year, following the pattern of wakes weeks holidays had worked successfully for schools
- That it would be helpful for all members to be circulated with the current legislation/briefing note on pupils' absence during term time. (Schools were now only able to grant absence in 'exceptional circumstances,' and family holidays did not fall into this category)
- That figures on the impact of pupils being taken out of school during term time also be circulated. (National evidence of this was also available allowing for comparison with Lancashire)
- When parents were fined for unauthorised absences, the money was fed back into the Service supporting attendance. It was suggested that a report on the work of the attendance teams be brought to a future meeting of the Committee

Resolved: That:

i Schools across the County be consulted on the school term and holiday pattern and a report brought back to the October meeting of the Committee.

ii A report on the work of the School Attendance Service be brought to a future meeting of the Committee.

6. A summary of the validated results at the end of Key Stage 2 and Key Stage 4 at Lancashire and District level

Mr Stott, Director of Universal and Early Support Services from the Directorate for Children and Young People, (CYP) presented a report on the validated data giving the overall attainment in Lancashire schools at the end of Key Stages 2 and 4 in 2013. The results had been analysed at District level and showed progress over the past three years.

Mr Hewitt, Head of Quality and Continuous Improvement, CYP, reported that with regard to the 2013 Key Stage 2 results, in Lancashire overall attainment had risen compared with 2012 and was 1% above the national average at 77%. Attainment in 8 districts was above the national average of 76% of pupils attaining level 4 or above in reading, writing and mathematics. This showed a slight change in the figures as presented in the report to the Committee on the provisional results, at its meeting in November 2013, which suggested that Lancashire overall would be 2% above the national average. It was noted that the reading test at Key Stage 2 was comprehension based.

With regard to the Key Stage 4 results, it was reported that overall attainment in Lancashire rose compared with 2012 and remained around 1% above the national average. There was greater volatility in attainment at secondary stage and this could be attributed to the volatility in results around English, an issue which affected schools across the County.

Members welcomed the improvement in overall attainment at both Key Stages 2 and 4 in Lancashire.

Resolved: That the report setting out the overall attainment in Lancashire at the end of Key Stages 2 and 4 based upon the validated data be noted.

7. Lancashire County Council's Governor Services - a traded service for schools.

Mr Stott, Director of Universal and Early Support Services, Directorate for Children and Young People presented a report which set out the traded services arrangements for Lancashire County Council's Governor Services.

Helen Brownjohn, Head of Governor Services, reported that Lancashire County Council had provided traded Governor Services to school governing bodies since the introduction of Local Management of Schools following the 1988 Education Reform Act. The service was highly regarded both in the North West and nationally and this was reflected in the number of school governing bodies buying into the services.

It was further reported that school governing bodies were able to buy into:

- Governor Services Clerking provision (a fully traded service) which a significant proportion of Lancashire maintained schools did. The number was increasing as Ofsted became more focused on evaluating the effectiveness of governing bodies. The options for buy-in clerking were

set out Appendices Bi and Bii to the report, for Maintained Schools/Pupil Referral Units and Academy Schools respectively.

- Governor Training and Development (fully traded). Over half the total number of governors in the County were attending training courses and the number of Academies returning to buying training from the service had increased year on year over the past three years
- Governor Information – provided in a number of ways via, amongst others, the Schools' Portal and the magazine 'the Lancashire Governor'
- Statutory and Strategic functions and co-ordinating school-based complaints on behalf of the Directorate and the Authority

It was noted that feedback from service users was a credit to the Service.

In considering the report, members made the following comments:

- The 'Lancashire Governor,' an information magazine produced each term was very well received by governors
- That Governor Services also worked with Diocesan bodies, providing work of the highest quality
- In response to a query on changes being made to governing bodies, Mr Stott explained that governing bodies were to move away from the stakeholder model to a skills based model with only one Local Authority representative. Ofsted had recommended smaller governing bodies but there was no minimum or maximum size in legislation.

Members thanked Helen Brownjohn, Head of Governor Services, for the high quality of work provided by the Service.

Resolved: That the report setting out the arrangements for Lancashire County Council's Governor Services be noted.

8. Urgent Business

There were no items of urgent business for discussion at the meeting.

9. Date of the Next Meeting

It was noted that the next meeting of the Committee would be held on Tuesday 15 July 2014, at 10am, County Hall, Preston.

I M Fisher
County Secretary and Solicitor

County Hall
Preston

Education Scrutiny Committee
Meeting to be held on 17 June 2014

Electoral Division affected: All

Transport Policy for Children and Young People with Special Educational Needs and Disabilities
(Annex 1 refers)

Contact for further information:
Wendy Broadley, 07825 584684 Office of the Chief Executive
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Executive Summary

On 5 June 2014, the Cabinet Member for Children, Young People and Schools received a report summarising the outcome of the consultation on changes to the policy for home to school/college transport for young people with Special Educational Needs and Disabilities (SEND) relating to the introduction of a parental contribution for discretionary post-16 transport support.

After considering the report the Cabinet Member made an amended decision as set out in the report below.

Following requests from five County Councillors in accordance with the "Call In" procedures, the Chair has called a meeting to consider calling in the decision.

Recommendation

In accordance with the Call In procedures contained in Procedural Standing Orders (Standing Order 23 and Appendix 3) the Committee is asked to consider:

1. Whether or not to request the Cabinet Member to reconsider his decision made on 5 June 2014 to:
 - i. note the response to the consultation detailed in Appendix 'A';
 - ii. approve that the transport policy be revised to include the introduction a means tested parental contribution of £475 per annum with an annual formulaic increase based on the Retail Price Index (RPI) plus 5%; and
 - iii. delay the implementation of the new charging arrangements until 1 September 2015 so that the implications of the new SEN Code of Practice (due to be published in mid-June 2014) can be fully considered.
 - iv. Arrange for a review of the arrangements 12 months after implementation of the charges.
2. If so, to determine the grounds on which the request is to be based.

Background and Advice

On 5 June 2014, the Cabinet Member received a report summarising the outcome of the consultation on changes to the policy for home to school/college transport for young people with Special Educational Needs and Disabilities (SEND) relating to the introduction of a parental contribution for discretionary post-16 transport support. The Cabinet Member made a decision to:

- i. note the response to the consultation detailed in Appendix 'A';
- ii. approve that the transport policy be revised to include the introduction a means tested parental contribution of £475 per annum with an annual formulaic increase based on the Retail Price Index (RPI) plus 5%; and
- iii. delay the implementation of the new charging arrangements until 1 September 2015 so that the implications of the new SEN Code of Practice (due to be published in mid-June 2014) can be fully considered.
- iv. Arrange for a review of the arrangements 12 months after implementation of the charges.

The report is attached as Annex 1.

On 6 June 2014 the Chief Executive received a request, signed by five County Councillors, for the Education Scrutiny Committee to consider whether that decision should be the subject of a Call In.

The request was received in accordance with Procedural Standing Orders from County Councillors Charles, O'Toole, Iddon, Shedwick and Gooch. The decision cannot now be implemented until the call-in procedure is completed.

The reason for this request as submitted by the above Members is:

"Insufficient consideration has been taken of the weight of responses and evidence given to the consultation, including the recommendation of the Executive Scrutiny Committee"

To assist the Committee, the Call In procedures contained in Procedural Standing Orders (Standing Order 23 and Appendix 3) are summarised below:

- Any five county councillors may, within three days of an executive decision being published, request that a special meeting of the relevant O&S committee is convened to consider that decision.
- That executive decision shall not be implemented until the Call In procedure is completed.
- An O&S Committee may request that an executive decision made but not yet implemented be reconsidered by the Decision Maker, or request that the Full Council decide whether to ask the Decision Maker to reconsider.
- The Committee must decide at the meeting whether or not to exercise its Call In powers.

- Any such request for reconsideration shall include the grounds upon which the request is based.
- Once the Committee has determined to make such a request, the request and the grounds upon which it is based must be registered with the Chief Executive in writing within three clear working days of the O&S Committee meeting.
- If a request is made the Decision Maker must then reconsider the decision having regard to the grounds upon which it is based. The Decision Maker can affirm, amend or rescind their decision.
- The Decision Maker shall publish their response to a request for reconsideration and the reasons for their decision by writing as soon as is reasonably practicable to the Chair of the relevant Overview and Scrutiny Committee.
- The Decision Maker can only be required to reconsider the same decision once.
- An Overview and Scrutiny Committee shall not exercise its functions;
 - (1) where the decision has been designated by the Decision Maker as being urgent in that any delay in its implementation could adversely affect the efficient execution of the County Council's responsibilities; or
 - (2) in respect of day-to-day management and operational decisions taken by officers.

Of particular relevance in the above provisions are the requirements that the Committee must determine at the meeting whether or not to request that the decision be reconsidered, and if so to determine the grounds upon which the request is based.

The Committee is required to meet within 7 working days of the request to consider the call in being received, and a meeting has therefore been scheduled for 2.00pm on Tuesday 17 June 2014.

Consultations - N/A

Implications:

This item has the following implications, as indicated:

Risk management

There are no significant risk management implications arising from this item. However, the risk management and other implications associated with the decision are set out in Appendix A to this report.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Tel
N/A	N/A	N/A

Reason for inclusion in Part II, if appropriate

N/A

Report to the Cabinet Member for Children, Young People and Schools
Report submitted by: Interim Executive Director for Children and Young People

Date: 5 June 2014

Part I

Electoral Divisions affected:
All

Transport Policy for Children and Young People with Special Educational Needs and Disabilities

(Appendices 'A' and 'B' refer)

Contact for further information:

Sally Riley, 01772 532713, Directorate for Children and Young People

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Executive Summary

This report summarises the outcome of the consultation on changes to the policy for home to school/college transport for young people with Special Educational Needs and Disabilities (SEND) relating to the introduction of a parental contribution for discretionary post-16 transport support.

Recommendation

The Cabinet Member for Children, Young People and Schools is recommended to:

- (i) note the response to the consultation detailed in Appendix 'A';
- (ii) approve that the transport policy be revised to include the introduction of a means tested parental contribution of £475 per annum with an annual formulaic increase based on the Retail Price Index (RPI) plus 5%; and
- (iii) delay the implementation of the new charging arrangements until 1 September 2015 so that the implications of the new SEN Code of Practice (due to be published in mid-June 2014) can be fully considered.

This is deemed to be a Key Decision and Standing Order 25 has been complied with.

Background and Advice

On 5 December 2013, the Cabinet Member for Children, Young People and Schools agreed to a recommendation to consult upon changes to the transport policy for children and young people with special educational needs and disabilities (SEND).

The county council proposed to:

- introduce a parental contribution for discretionary post 16 transport support of £475 per annum with effect from September 2014; and
- apply a formulaic increase to future years' concessionary charge that is on the basis of Retail Price Index (RPI) plus 5%.

The proposed changes would ensure that transport provision for children and young people with special educational needs and disabilities would continue to be provided in a transparent, supportive and cost-effective way for families.

Statutory Transport Responsibilities

The cost of providing home to school transport for children and young people with special educational needs and disabilities (SEND) in the financial year 2012/13 was £16.26 million. 2,907 pupils aged 3-19 currently receive free travel to school or college, the majority of them attending special schools. Local authorities have certain statutory responsibilities around home to school transport and have the discretion to offer additional provision where deemed appropriate.

Local authorities have a statutory duty to provide school transport for children of statutory school age whose circumstances fall within the following categories:

- a) Statutory Walking Distances:
 - children aged under 8 who live more than 2 miles away from their nearest suitable school and no suitable alternative arrangements have been made for them
 - children aged over 8 who live more than 3 miles away from their nearest suitable school and no suitable alternative arrangements have been made for them
- b) Children from low income families: (defined by entitlement to free school meals or parents/carers in receipt of maximum levels of working tax credit) as follows:
 - children aged between 8 and 10 (inclusive) – the qualifying walking distance is 2 miles (not 3 miles as for other children);
 - children aged 11 and over qualify if they attend any one of their three nearest schools, provided it is between 2 and 6 miles away; and
 - children aged 11 and over qualify if they attend their nearest school preferred by reason of a parent's religion or belief, provided it is between 2 and 15 miles away.

Where children are assessed on grounds of distance, the route is measured along the shortest suitable walking/road routes.

Children whose circumstances fall within the following categories also have a statutory entitlement to school transport provided that they attend the nearest suitable qualifying school - the distance test is not applied:

- c) children with special educational needs, disability or mobility, including temporary medical conditions that prevent them walking to school; or
- d) children who cannot reasonably be expected to walk to school because of the nature of the route to school (unsuitable routes).

In the 2012/13 financial year, the cost of compliance with the statutory requirements of home to school transport for children of statutory school age and young people with special educational needs and disabilities was £13.5 million for 2,414 pupils. This makes up 83% of the overall current costs of transport provision, the remainder being spent on non-statutory (discretionary) transport provision.

In view of the considerable financial pressures which the County Council faces, both currently and in the foreseeable future, it is considered necessary to revise the Home to School/College Transport Policy for Children and Young People with SEND with a view to identifying possible savings and/or generating additional revenues.

Discretionary Transport

Home to school/college transport support for post-16 young people with special educational needs and disabilities (SEND) is a discretionary policy area. The current Home to School Transport Policy for children and young people with special educational needs and disabilities provides discretionary door to door transport for young people aged between 16 and 19, where they meet the eligibility criteria which applies to those pupils aged under 16.

Prior to 2008, discretionary home to school/college transport for young people post-16 with special educational needs was means tested. However, the Cabinet Member, at that time, amended the policy to remove means testing which gave rise to increased entitlement amongst SEN learners aged 16 to 24. Since this time, requests for post-16 SEND transport assessments have increased three-fold which increased the home to school/college transport costs for children and young people over 16 with SEND to £2.5m per annum.

The number of pupils who received discretionary free travel in 2012/13 was 493 at a cost to the County Council of £2.74 million. In 2013/14 costs for discretionary transport to local colleges alone increased by £245,000 to £1,114,530 with 87 separate contracts in place for 247 students.

Consultations

A comprehensive public consultation on the proposed changes was undertaken from 3 February 2014 to 25 April 2014.

A document explaining the proposed changes, a covering letter explaining the consultation and a questionnaire asking for views on the proposed changes was sent to 2,587 parents/guardians of children and young people currently in receipt of SEN

school or college transport. The consultation documents were also emailed to the following groups:

- neighbouring local authorities;
- independent non-maintained schools;
- Lancashire schools;
- Lancashire colleges;
- Barnardos;
- Welfare Rights;
- Parent Carer Forum;
- Lancashire Youth Council; and
- Family Information Service

The consultation was also available online to any other interested parties, through the Lancashire County Council 'Have your say' website:

In total, 634 questionnaires were returned, 313 paper copies and 321 online copies.

The responses to the consultation are summarised and analysed in Appendix 'A'.

In relation to the parental contribution for discretionary post 16 transport of £475 per annum, whilst mitigating against the impact of the financial contribution whereby post 16 SEND students from low income families (defined by entitlement to free school meals or parents/carers in receipt of maximum levels of working tax credit) would be exempt from the charge. Respondents to the consultation were asked how strongly they agree or disagree with this proposal. Over four-fifths of respondents (83%) strongly disagree with the proposal.

In relation to the annual increase in charge based on Retail Price Index (RPI) plus 5%, respondents were asked how strongly they agree or disagree with this proposal. Four-fifths of respondents strongly disagree (81%) with this proposal.

Respondents were asked if they would like to give reasons for their responses to the questions and were given a space to write their reasons in. 449 respondents (71%) chose to give a reason. Responses to this question were categorised and the table below shows the most common categories of response. In the chart below, responses do not add up to 100%, this is due to multiple responses or computer rounding.

Reason	Count	Percentage
Can't/won't be able to afford to pay for transport to and from school for child/children	102	23%
Other	47	10%
Lack of provision leads to children travelling further to schools/colleges	46	10%
A lot of people won't be able to afford these charges	43	9%
The charge prohibits children and young people from attending school/college of their choice/may stop them	42	9%

going altogether		
Transport provided is essential/needed as cannot make other arrangements	40	9%
The charge is unfair	39	9%
The charge may lead to financial hardship within families/could cause difficulties	38	9%
Not fair to parents of disabled children as they already have more costs/hardship than other parents	36	8%
The proposed rate of increase (RPI+5%) is too harsh	27	6%
The working sector are hit harder financially because not on benefits	24	5%
Transport services should be provided for free	20	5%
There are other areas which can be considered for cuts	18	4%
The proposed charge for transport is too expensive	18	4%
Children with SEND need all the help they can get	17	4%
Pupils with SEND should pay the same as non-SEND pupils	14	3%
Children could become isolated from a decreased social life	12	3%
It is not unreasonable to ask for a contribution	12	3%
If education is compulsory until aged 18 then costs should be funded up to that age	7	2%
Proposed charges should be based on income	5	1%
Charge should be means tested or stay the same	4	1%
The proposed charge is a tax on disability	4	1%
Disability/mobility allowance should be used to pay for the transport	3	1%
Parents may consider lowering hours to claim benefits and free transport	2	0%

Observations on the consultation responses

Although the survey was available for anyone to respond to, the aim of the consultation was to gain the views of those who will be affected by the changes and so the responses should not be seen as the view of the overall Lancashire population.

However, there are a number of variables that need to be taken into account:

- a) It is perhaps unsurprising that a high proportion of parent/carers are reluctant to make a financial contribution for a discretionary post-16 transport service that they have enjoyed free of charge for the past 6 years.

- b) A number of respondents felt the proposed charge was too high. To mitigate the impact of the financial contribution, it is proposed that post 16 SEND students from low income families would be exempt from the charge. However, it is noted that those parents who work but may be low earners are hit harder financially because they are not on benefits. Furthermore, some families are affected by other government policy changes to the welfare and benefits system which has resulted in a disproportionate impact on the disposable income of families with a disabled child or adult. It is also recognised that it is more expensive to raise a disabled child than a non-disabled child, given the impact on increased heating, clothing and other personal expenses, the reduced capacity for one or both parents to gain and maintain employment and the higher incidence of one parent families where there is a child with a disability.
- c) Respondents made a number of comments about means testing. Accordingly, mitigating against the impact of any future financial contribution for low income families who would be exempt from the proposed charge, a more comprehensive definition of entitlement is proposed defined by entitlement to Free School Meals for school sixth form pupils and post-16 pupils at a special school or Income Support, or Job Seekers Allowance (Income based) or support under part VI of the Immigration and Asylum Act 1999 or the guaranteed element of State Pension Creditor Income Related Employment Support Allowance or Child Tax Credit and are not entitled to Working Tax Credit and the annual income, as assessed by the Inland Revenue, does not exceed £16,190 (April 10 figure) or Working Tax Credit during the four week period immediately after employment finishes or after starting to work less than 16 hours per week or maximum amount of working tax credit.
- d) Implementation of the proposed contribution would still result in the County Council providing a large subsidy to support transport for the most vulnerable students who, due to the impact of impairment or disabling circumstances, cannot safely travel by other means to the nearest available establishment that meets their identified learning needs. The average annual cost to provide SEN transport to all eligible children and young people is £5,500 per child/young person so, whilst appreciating that some respondents feel the charge is excessive, it represents a very small proportion of the actual average cost.
- e) Given the overall financial position of the Council and in developing options for amending post-16 SEND transport support, consideration has been given to the national picture where a significant number of local authorities ask for a contribution towards transport support for post 16 young people with SEND (Northamptonshire, Worcestershire, Calderdale, Devon, Essex, Norfolk, Staffordshire, Warwickshire). On average, these charges are between £500-£600 per annum, with the exception of Calderdale which charges £350 per annum. This suggests that the proposed charge of £475 plus an annual increase linked to the Retail Price Index + 5% is reasonable when compared with charges imposed by other shire counties or statistical neighbours.

- f) Mainstream post-16 students in Lancashire attending school sixth forms and further education colleges do not receive any financial support from the Council to fund their transport costs. Thus, the Authority is providing assistance to those with SEND, beyond that given to their mainstream counterparts.
- g) Similarly, for parents who pay the contributory charge to faith schools the largest area of discretionary home to mainstream schools transport, the charge is set at £475 per annum, and increases, thereafter, by Retail Price Index plus 5%. Thus, this proposal aligns the two policies.
- h) Consideration has also been given to the importance of enabling students to access further education. A number of respondents suggested that the charge may prohibit young people from attending a school/college of their choice or they may stop them going altogether. Students will not be required to move to courses at their nearest college; more rather, the post-16 transport policy will continue to enable students to attend the nearest college offering an *appropriate* course. However, the Children and Families Act 2014 and the new SEN Code of Practice place new duties on local colleges (and all FE providers including school sixth forms) which expect an enhanced and improved universal offer for students with SEND, to enable them to attend their local college wherever possible. Furthermore, the reforms introduce new funding and study programme arrangements which should be used to tailor packages for young people with SEND including supported internships, traineeships and apprenticeships, in partnership with employers. Thus, increasingly, the SEND reforms place an expectation of an improved and enhanced local college offer so that young people with SEND can access their nearest college with suitably accessible courses offering the same opportunities for social inclusion which the vast majority of non-disabled students enjoy. The same issues also apply to school sixth forms. It is not possible with any major certainty to predict what impact the proposed contributory charge increase will have on future young people's or parental preferences.
- i) The future costs of fuel and transport cannot be predicted.
- j) The proposals take due account of the Children and Families Act 2014 published in March 2014 but publication of the new SEN Code of Practice has been delayed to mid-June. Whilst the anticipated content has been widely communicated, the delay in publication means that the annual requirement to update the Post-16 Transport Policy Statement by 31 May in anticipation of any changes for the following September has been missed. Accordingly, it is proposed that any changes to the policy approved by the Cabinet Member should be implemented from 1 September 2015 rather than from September 2014 as originally proposed. Thus, the delayed implementation will enable full account to be given to the new SEN Code of Practice and will also enable an extended period to support parents and young people in adapting to the new charging regime. The anticipated savings of £109,625 expected in 2014/15 academic year will need to be found from other efficiency savings within the Directorate for Children's and Young People. Based on an assumption that the demand for transport support for post 16 students with SEND will remain

at current levels the proposals are estimated to generate revenue of around £329k per annum when fully operational in 2017/18 onwards. The proposed delay in the implementation date will mean that from 1 September 2015, the contributory charge would be £475 + RPI + 5%.

Conclusion

634 (24%) responses were received from 2,587 parents/guardians of children and young people currently in receipt of SEN school or college transport. Of these, 89% responses came from parent/carers. Whilst the response to the consultation was largely negative, this was to be expected, particularly as the responses predominantly came from parents/carers of children with Statements of SEN who receive home-to-school/college transport free of charge up to the age of 16 and they have enjoyed free discretionary post-16 transport since 2008.

The proposed changes to SEND Home to School/College school transport must be set in context; they only affect young people who have no statutory entitlement to travel assistance aged 16+ and low income families are protected from the impacts. In addition, the County Council will still be heavily subsidising the costs of discretionary transport and, therefore, shielding parents from the full costs (many other local authorities have removed discretionary transport assistance altogether); and the right to appeal to the Student Support Appeals Committee remains in place.

Implications:

This item has the following implications, as indicated:

Risk management

The implications of introducing a charge for Post 16 SEND students for individual young people and their families are set out in the Equality Analysis at Appendix 'B'. Should the implementation of charges not go ahead, the estimated annual revenue from this proposal would not be achieved.

Detailed feedback from the consultation exercise has identified additional risks associated with these proposals which have been updated in the Equality Analysis at Appendix 'B'.

Financial

In 2012/13, 515 post-16 students were in receipt of transport support. 15.1% of pre 16 pupils were eligible for free school meals as they meet the low income criteria. If it was assumed that the same percentage would apply to post-16 learners then the number of students who would be exempt from the charge would be 78.

If the proposed charges were introduced and phased in over three years, the income generated, by academic year, is presented in the table below:

	Academic Year	Total Students*	No of potential	Number of students	Total including	Potential revenue in
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			low income students @ 15.1%**	eligible for charge	previous years students	academic year (net of admin costs)
Year 1	2014/15					Nil; delayed implementation
Year 2	2015/16	277	42	235		£117,438
Year 3	2016/17	258	39	219	454	£244,899
Year 4	2017/18	255	38	217	671	£388,455

*Based on all current 2013/14 students continuing into Further Education.

** Based on current % of pre 16 pupils eligible for Free School Meals

The above figures are based on:

- £475 being the baseline charge set at September 2014, plus
- 2% indicative only RPI increase based on the increase from December 2012 to December 2013. The actual increase applied each year will be based on Government published inflation figures, plus
- an annual 5% rise.

As a result of the handling of the charges there will be additional administration costs. As the number of students paying the charge increases incrementally, the cost of the administration will increase also. It is anticipated that £2,000 per year should be added for additional administration costs. The cost of the administration has been deducted from the income listed above.

Legal

The Local Authority's statutory obligations to provide free home to school transport are outlined above. These elements of the home to school transport policy for children and young people with special educational needs and disabilities will remain intact and the Local Authority is consulting on changes to the discretionary elements of the policy only.

Equality and Diversity

A full Equality Analysis has been completed following the consultation process and is set out at Appendix 'B'. The Equality Analysis will be updated as required.

List of Background Papers

Paper	Date	Contact/Directorate/Tel
Children and Families Act	2014	Helen Green/Children and Young People/01772 530974
Department for Education 2010 Post-16 Transport to Education and Training Guidance	2014	Helen Green/Children and Young People/01772 530974 Helen Green/Children and Young People/01772 530974
Apprenticeships, Skills, Children and Learning Act	2014	Helen Green/Children and Young People/01772 530974

Department for Education & Skills Home to School Travel and Transport Guidance	2009	Helen Green/Children and Young People/01772 530974
Education and Inspections Act 2006	2007	Helen Green/Children and Young People/01772 530974
Education Act 2002	2006	Helen Green/Children and Young People/01772 530974
Education Act 1996	2002	

Reason for inclusion in Part II, if appropriate

N/A

Consultation on changes to the Transport
Policy for Children and Young People with
Special Educational Needs
April 2014

Rebecca Robinson, Mick Edwardson and Sean Davies

April 2014

For further information on the work of the Corporate Research and Intelligence Team, please contact us at:

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1. Introduction

Lancashire County Council is proposing to make changes to the transport policy for children and young people with special educational needs and disabilities (SEND).

It is proposed that the county council:

- introduces a parental contribution for discretionary Post 16 transport support of £475 per annum with effect from September 2014; and
- applies a formulaic increase to future years' concessionary charge that is on the basis of Retail Price Index (RPI) plus 5%.

The proposed changes would ensure that transport provision for children and young people with special educational needs and disabilities can continue to be provided in a transparent, supportive and cost-effective way for families.

It is proposed that the changes will be introduced from September 2014.

The county council conducted a consultation to hear the views of affected groups on these important proposals.

2. Methodology

The consultation ran from 3 February to 25 April 2014. A document explaining the proposed changes, a cover letter explaining the consultation and a questionnaire asking for views on the proposed changes was sent to 2,587 parents/guardians of children and young people currently in receipt of SEN or college transport. The consultation documents were also emailed to the following groups:

- neighbouring local authorities;
- independent non-maintained schools;
- Lancashire schools;
- Lancashire colleges;
- Barnardos;
- Welfare Rights;
- Parent Carer Forum;
- Lancashire Youth Council; and
- Family Information Service

The consultation was also available online to any other interested parties through the Lancashire County Council 'Have your say' website:

www.lancashire.gov.uk/haveyoursay.

In total 634 questionnaires were returned, 313 paper copies and 321 online copies.

1.1. Limitations

Although the survey was available for anyone to respond to, the aim of the consultation was to gain the views of those who will be affected by the changes and so the responses should not be seen as the view of the overall Lancashire population.

For each question in the survey, comparisons have been made between different sub-groups of respondents (different areas and different types of respondent eg parent/guardian, school employee) to look for statistically significant differences in opinion. No statistically valid differences between sub-groups were found.

In charts or tables where responses do not add up to 100%, this is due to multiple responses or computer rounding.

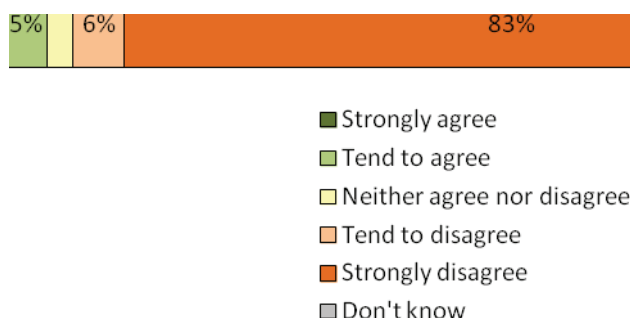
3. Main research findings

1.2. Parental contribution

It is proposed that the county council introduces a parental contribution for discretionary Post 16 transport support of £475 per annum with effect from September 2014. To mitigate the impact of the financial contribution it is proposed that Post 16 SEND students from low income families (defined by entitlement to free school meals or parents/carers in receipt of maximum levels of working tax credit) would be exempt from the charge.

Respondents to the consultation were asked how strongly they agree or disagree with this proposal. Over four-fifths of respondents (83%) strongly disagree with the proposal.

Chart 1 - It is proposed that the county council introduces a parental contribution for discretionary Post 16 transport support of £475 per annum with effect from September 2014. How strongly do you agree or disagree with this proposal?



Base: all respondents (631)

1.3. Annual increase of charge

It is proposed that the county council applies a formulaic increase to future years' concessionary charge that is on the basis of Retail Price Index (RPI) plus 5%.

Respondents were asked how strongly they agree or disagree with this proposal. Four-fifths of respondents strongly disagree (81%) with this proposal.

Chart 2 - It is proposed that the county council applies a formulaic increase to future years' concessionary charge that is on the basis of the Retail Price Index (RPI) plus 5%. How strongly do you agree or disagree with this proposal?



Base: all respondents (624)

1.4. Respondent comments

Respondents were asked if they would like to give reasons for their responses to the questions and were given a space to write their reasons in. 449 respondents (71%) chose to give a reason. Responses to this question were categorised and the table below shows the most common categories of response.

The full comments made have been made available to the team working on the proposal.

Reason	Count	Percentage
Can't/won't be able to afford to pay for transport to and from school for child/children	102	23%
Other	47	10%
Lack of provision leads to children travelling further to schools/colleges	46	10%
A lot of people won't be able to afford these charges	43	9%
The charge prohibits children and young people from attending school/college of their choice/may stop them going altogether	42	9%
Transport provided is essential/needed as cannot make other arrangements	40	9%
The charge is unfair	39	9%
The charge may lead to financial hardship within families/could cause difficulties	38	9%
Not fair to parents of disabled children as they already have more costs/hardship than other parents	36	8%
The proposed rate of increase (RPI+5%) is too harsh	27	6%
The working sector are hit harder financially because not on benefits	24	5%
Transport services should be provided for free	20	5%
There are other areas which can be considered for cuts	18	4%
The proposed charge for transport is too expensive	18	4%
Children with SEND need all the help they can get	17	4%
Pupils with SEND should pay the same as non-SEND pupils	14	3%
Children could become isolated from a decreased social life	12	3%
It is not unreasonable to ask for a contribution	12	3%

If education is compulsory until aged 18 then costs should be funded up to that age	7	2%
Proposed charges should be based on income	5	1%
Charge should be means tested or stay the same	4	1%
The proposed charge is a tax on disability	4	1%
Disability/mobility allowance should be used to pay for the transport	3	1%
Parents may consider lowering hours to claim benefits and free transport	2	0%

1.5. Extended responses

A number of responses were made by letter to the consultation. The full responses have been made available to the team working on the proposal. In summary, these were as follows:

- Letter from Mark Hendrick MP on behalf of Cardinal Newman College expressing concern that a number of pupils would have to change colleges mid way through their course and that asking students to attend their nearest college would remove their right to a choice of education provider.
- An issue from a member of the public raised through the online compliments, comments and complaints form that, as the consultation requests only one response per household, a number of people's views are being discounted (eg both parents of a young person with SEND and the young person themselves).
- An email response from Runshaw College making a number of suggestions:
 - That distance travelled and level of disability be considered when setting the fee
 - Providing travel training for those with less complex needs
 - Asking colleges for their assessment of which students need taxi provision
 - Giving sufficient time for students to make an informed choice about which college to attend given transport arrangements
 - Concern that students may not have sufficient choice of college if they need to attend the nearest.

4. Profile of respondents

Respondents were asked to select from a number of options in what capacity they were responding to the consultation as. Respondents could select more than one group. The table below shows the distribution of respondents.

Group	Percentage	Count
A parent/guardian/carer of a pupil currently receiving transport support	89%	534
Other	9%	54
An employee or governor of a special school	5%	30
A parent/guardian/carer of a pupil not currently receiving transport support	2%	14
An employee or governor of a further education establishment	1%	7
An employee or governor of an independent, non-maintained special school	1%	5
An employee of another Local Authority (please specify)	1%	4
Total		603

Respondents were asked to give their postcode so that responses could be analysed by district. The table below shows the distribution of respondents across districts.

District	Percentage	Count
Response not given	15%	94
Blackburn	0%	3
Blackpool	0%	1
Burnley	5%	34
Chorley	7%	44
Fylde	4%	25
Hyndburn	7%	42
Lancaster	12%	74
Pendle	7%	46
Preston	9%	58
Ribble Valley	4%	27
Rosendale	6%	41
South Ribble	7%	47
West Lancashire	8%	50
Wyre	8%	48
Total		634

Section 4

Equality

Analysis Toolkit

Home to School Transport for Children and
Young People with Special Educational
Needs and Disabilities
For Decision Making Items

What is the Purpose of the Equality Decision-Making Analysis?

The Analysis is designed to be used where a decision is being made at Cabinet Member or Overview and Scrutiny level or if a decision is being made primarily for budget reasons. The Analysis should be referred to on the decision making template (e.g. E6 form).

When fully followed this process will assist in ensuring that the decision-makers meet the requirement of section 149 of the Equality Act 2010 to have due regard to the need: to eliminate discrimination, harassment, victimisation or other unlawful conduct under the Act; to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard means analysing, at each step of formulating, deciding upon and implementing policy, what the effect of that policy is or may be upon groups who share these protected characteristics defined by the Equality Act. The protected characteristics are: age, disability, gender reassignment, race, sex, religion or belief, sexual orientation or pregnancy and maternity – and in some circumstances marriage and civil partnership status.

It is important to bear in mind that "due regard" means the level of scrutiny and evaluation that is reasonable and proportionate in the particular context. That means that different proposals, and different stages of policy development, may require more or less intense analysis. Discretion and common sense are required in the use of this tool.

It is also important to remember that what the law requires is that the duty is fulfilled in substance – not that a particular form is completed in a particular way. It is important to use common sense and to pay attention to the context in using and adapting these tools.

This process should be completed with reference to the most recent, updated version of the Equality Analysis Step by Step Guidance (to be distributed) or EHRC guidance - [EHRC - New public sector equality duty guidance](#)

Document 2 "Equality Analysis and the Equality Duty: Guidance for Public Authorities" may also be used for reference as necessary.

This toolkit is designed to ensure that the section 149 analysis is properly carried out, and that there is a clear record to this effect. The Analysis should be completed in a timely, thorough way and should inform the whole of the decision-making process. It must be considered by the person making the final decision and must be made available with other documents relating to the decision.

The documents should also be retained following any decision as they may be requested as part of enquiries from the Equality and Human Rights Commission or Freedom of Information requests.

Support and training on the Equality Duty and its implications is available from the County Equality and Cohesion Team by contacting

AskEquality@lancashire.gov.uk

Specific advice on completing the Equality Analysis is available from your Directorate contact in the Equality and Cohesion Team or from Jeanette Binns

Jeanette.binns@lancashire.gov.uk

Name/Nature of the Decision

Changes to the Home to School Transport Policy for Children and Young People with Special Educational Needs and Disabilities.

What in summary is the proposal being considered?

It is proposed to amend the Home to School Transport Policy for children and young people with special educational needs and disabilities (SEND) to include;

- A means-tested contributory charge for post 16 SEND transport to be introduced at £475 plus
- An annual increase reflective of the Retail Price Index plus 5%.

Is the decision likely to affect people across the county in a similar way or are specific areas likely to be affected – e.g. are a set number of branches/sites to be affected? If so you will need to consider whether there are equality related issues associated with the locations selected – e.g. greater percentage of BME residents in a particular area where a closure is proposed as opposed to an area where a facility is remaining open.

Affects all districts.

Could the decision have a particular impact on any group of individuals sharing protected characteristics under the Equality Act 2010, namely:

- Age
- Disability including Deaf people
- Gender reassignment
- Pregnancy and maternity
- Race/ethnicity/nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership Status

In considering this question you should identify and record any particular impact on people in a sub-group of any of the above – e.g. people with a particular disability or from a particular religious or ethnic group.

It is particularly important to consider whether any decision is likely to impact adversely on any group of people sharing protected characteristics to a disproportionate extent. Any such disproportionate impact will need to be objectively justified.

Disability

If you have answered "Yes" to this question in relation to any of the above characteristics, – please go to Question 1.

Yes

If you have answered "No" in relation to all the protected characteristics, please briefly document your reasons below and attach this to the decision-making papers. (It goes without saying that if the lack of impact is obvious, it need only be very briefly noted.)

N/A

Question 1 – Background Evidence

What information do you have about the different groups of people who may be affected by this decision – e.g. employees or service users (you could use monitoring data, survey data, etc to compile this). As indicated above, the relevant protected characteristics are:

- Age
- Disability including Deaf people
- Gender reassignment/gender identity
- Pregnancy and maternity
- Race/Ethnicity/Nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership status (in respect of which the s. 149 requires only that due regard be paid to the need to eliminate discrimination, harassment or victimisation or other conduct which is prohibited by the Act).

In considering this question you should again consider whether the decision under consideration could impact upon specific sub-groups e.g. people of a specific religion or people with a particular disability. You should also consider how the decision is likely to affect those who share two or more of the protected characteristics – for example, older women, disabled, elderly people, and so on.

The group of people who will be affected by this decision can be identified by two specific protected characteristics; disability and age.

Typically, the transport policy for children and young people with SEND affects people aged 5 to 21 who have special educational needs and/or disabilities and are entitled to receive transport support.

Although the pupils are referred to as SEND there are two distinct groups; special educational needs (SEN) and disability (D) and a pupil who has special educational needs may, or may not, also have a disability.

Those learners who will be affected by the proposal to introduce a flat rate charge for

post 16 SEND transport support average between 450 to 520 students at any one time. All of this group will be subject to a charge for receipt of transport support to school or college.

Statistics illustrate a large gap between the attainment of pupils with Statement of Special Educational Need and other pupils.

In 2014 in Key Stage Four, the gap between pupils with a Statement of SEN and other pupils achieving 5 GCSEs A* – C in English and mathematics reduced from 52.2% to 47.8%, thanks mainly to an increase in the proportion of statemented pupils achieving the required grades (7.7% to 13.4%).

Young people with learning difficulties and/or disabilities are twice as likely to be not in education, training or employment (NEET) as those without. 11.6% of young people with LDD were NEET compared with 5.8% of those without as at April 2014. In the current economic climate the opportunities in the employment market for young people with learning difficulties and/or disabilities are likely to reduce further.

Often parents are on benefits due to full time carer responsibilities so the impact of these proposals is mitigated by the introduction of an exemption for families with low incomes.

Individuals who share other protected characteristics have been considered as follows;

Race/ethnicity/nationality

There is no evidence to suggest that there may be a disproportionately negative impact on persons with this protected characteristic. 82% of children with special educational needs or disabilities aged 5-16 in January 2014 were White British. Monitoring information would suggest that people from an ethnic minority background tend to be part of communities showing higher rates of deprivation. Consequently, post 16 learners from an ethnic minority background may be more likely to incur the reduced charge applicable to learners from families on qualifying benefits.

Sex/Gender

Monitoring information from the school census of children and young people aged 5-16 taken in January 2014 illustrates that 72.5% of pupils with a statement of special educational need are male compared to 27.5% female. This may suggest that there could be a disproportionately negative affect on the long term prospects of male children and young people with a special educational need who may be discouraged from attending post 16 learning due to the associated transport costs.

Religion/belief

We do not consistently collect data on the religion of learners who access SEND transport support and so are unable to assess the impact of these proposals on persons with this protected characteristic. There is no evidence to suggest that there may be a disproportionately negative impact on people with different religious beliefs or with no religious belief.

Sexual orientation

We have no information on the numbers or proportion of Lesbian, Gay, Bisexual (LGB) communities likely to be affected by revisions to the SEND Home to School Transport Policy. There is no evidence to suggest that there may be a disproportionately negative impact on persons with this protected characteristic.

Gender Reassignment

We have no information on the numbers or proportion of Trans communities likely to be affected by revisions to the SEND Home to School Transport Policy. There is no evidence to suggest that there may be a disproportionately negative impact on persons with this protected characteristic.

Marriage or civil partnership status

There is no evidence to suggest that there may be a disproportionately negative impact on persons with this protected characteristic. Those learners aged 16+ in receipt of transport support account for approximately 450 to 520 of the young people in receipt of transport support at any one time.

Women who are pregnant or on maternity leave

Information on numbers of learners who are pregnant is not collected. There is no evidence to suggest that there may be a disproportionately negative impact on persons with this protected characteristic

Question 2 – Engagement/Consultation

How have you tried to involve people/groups that are potentially affected by your decision? Please describe what engagement has taken place, with whom and when.

(Please ensure that you retain evidence of the consultation in case of any further enquiries. This includes the results of consultation or data gathering at any stage of the process)

A comprehensive public consultation on the proposed changes was undertaken from 3 February 2014 to 25 April 2014.

A document explaining the proposed changes, a covering letter explaining the consultation and a questionnaire asking for views on the proposed changes was sent to 2,587 parents/guardians of children and young people currently in receipt of SEN school or college transport. The consultation documents were also emailed to the following groups:

- neighbouring local authorities;
- independent non-maintained schools;
- Lancashire schools;
- Lancashire colleges;

- Barnardos;
- Welfare Rights;
- Parent Carer Forum;
- Lancashire Youth Council; and
- Family Information Service

The consultation was also available online to any other interested parties through the Lancashire County Council 'Have your say' website:

In total 634 questionnaires were returned, 313 paper copies and 321 online copies. 89% of responses were from a parent/guardian/carer of a pupil currently receiving transport support. Responses came from all districts in the LCC area.

Respondents to the consultation were asked how strongly they agree or disagree with the proposal of introducing the discretionary post-16 support of £475 from September 2014. Over four-fifths of respondents (83%) strongly disagree with the proposal, with another 6% tend to disagree.

Respondents were asked how strongly they agree or disagree with the proposal of a formulaic increase to future year's concessionary charge (RTI plus 5%).. Four-fifths of respondents strongly disagree (81%) with this proposal, while another 6% tend to disagree.

Respondents were asked if they would like to give reasons for their responses to the questions and were given a space to write their reasons in. 449 respondents (71%) chose to give a reason. Responses to this question were categorised and the table below shows the most common categories of response. In the chart below, responses do not add up to 100%, this is due to multiple responses or computer rounding.

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Charge should be means tested or stay the same	4	1%
The proposed charge is a tax on disability	4	1%
Disability/mobility allowance should be used to pay for the transport	3	1%
Parents may consider lowering hours to claim benefits and free transport	2	0%

Question 3 – Analysing Impact

Could your proposal potentially disadvantage particular groups sharing any of the protected characteristics and if so which groups and in what way?

It is particularly important in considering this question to get to grips with the actual practical impact on those affected. The decision-makers need to know in clear and specific terms what the impact may be and how serious, or perhaps minor, it may be – will people need to walk a few

metres further to catch a bus, or to attend school? Will they be cut off altogether from vital services? The answers to such questions must be fully and frankly documented, for better or for worse, so that they can be properly evaluated when the decision is made.

Could your proposal potentially impact on individuals sharing the protected characteristics in any of the following ways:

- Could it discriminate unlawfully against individuals sharing any of the protected characteristics, whether directly or indirectly; if so, it must be amended. Bear in mind that this may involve taking steps to meet the specific needs of disabled people arising from their disabilities
- Could it advance equality of opportunity for those who share a particular protected characteristic? If not could it be developed or modified in order to do so?
- Does it encourage persons who share a relevant protected characteristic to participate in public life or in any activity in which participation by such persons is disproportionately low? If not could it be developed or modified in order to do so?
- Will the proposal contribute to fostering good relations between those who share a relevant protected characteristic and those who do not, for example by tackling prejudice and promoting understanding? If not could it be developed or modified in order to do so? Please identify any findings and how they might be addressed.

The proposals for change apply to the transport policy for children and young people with special educational needs and disabilities thus affecting those children and young people with SEND aged 5 to 24.

The proposal to introduce a charge for post 16 SEND learners will affect all those young people aged 16 to 19 who opt to continue in education.

The number of post 16 SEND learners who receive transport support is between 450 to 520 at any one time, all of whom, under the new proposals will be subject to a charge for receipt of transport support.

A benchmarking exercise with other local authorities has also been conducted to review the charging policies of other local authorities for this group of learners.

In addition to the impact felt by the young person any impact will also be felt across the family who, in the majority of cases, will be financially supporting the young person at this stage of their education.

Some families will struggle financially to meet the charge, juggling limited family finances to ensure that their child can attend further education. In the current economic climate many families have been affected by job losses and/or a general reduction in household income which will exacerbate their ability to find the money to meet the proposed charge.

Population figures imply that there is a higher level of children and young people with special educational needs and disabilities in the known areas of deprivation across Lancashire; Burnley, Hyndburn, Pendle, Rossendale and Wyre. The areas with least deprivation, Ribble Valley and Fylde have the lowest levels of children and young people with special educational needs and disabilities. This supports national statistics that children and young people with SEND tend to come from low income families.

Often the parents are on benefits due to full time carer responsibilities so the impact of these proposals is mitigated by the proposal to apply an exemption for families on qualifying benefits.

For those families where the young person continues to enter the further education system, families may choose to utilise the public transport network rather than pay the required contribution, particularly where the young person has moderate learning difficulties.

This would result in a young person having to walk to a local bus stop and develop the skills required to navigate the public transport network.

Learners in possession of a Blind and Disabled Person Nowcard who are able to access the local bus network would fall under the concessionary scheme and would be eligible to travel free after 9.30am on weekdays, and for a heavily subsidised flat rate before 9.30am. However, they may not be able to access public transport vehicles, particularly if they have physical difficulties and low floor vehicles are not used or are used inconsistently.

Whilst a developing independence is encouraged it is noted that there is evidence of harassment of SEND young people when travelling on public transport. The Council mitigates this impact through a range of safer travel initiatives delivered through the safer travel unit in conjunction with local bus operators.

There is the possibility that the introduction of charges could deter learners from participating in further education altogether.

There is a large gap between the attainment of pupils with a statement of special educational need and other pupils. In 2013 the gap between pupils with a Statement

of SEN and other pupils achieving 5 GCSEs A* – C in English and mathematics reduced from 52.2% to 47.8%, thanks mainly to an increase in the proportion of stated pupils achieving the required grades (7.7% to 13.4%). Lancashire had a smaller gap at key stage four than that seen nationally - 47.8%, compared with 51.3%.

Young people with learning difficulties and/or disabilities are twice as likely to be not in education, training or employment (NEET) as those without. In the current economic climate youth unemployment is expected to rise which can intensify the lack of employment prospects for young people with SEND, particularly if they have not progressed through the further education system.

The ability to access further education can lead to positive outcomes for young people with learning difficulties and/or disabilities supporting them to develop skills and aptitudes to go into sustainable employment and participate in their community.

Failure to achieve a positive outcome can result in isolation, depression and longer term poor health leading to a long term dependency on the benefit system.

If some SEND learners are deterred from entering into further post 16 learning as a result of the proposal to introduce charges this may have a significant long term impact on their health, wellbeing and quality of life.

Question 4 –Combined/Cumulative Effect

Could the effects of your decision combine with other factors or decisions taken at local or national level to exacerbate the impact on any groups?

For example - if the proposal is to impose charges for adult social care, its impact on disabled people might be increased by other decisions within the County Council (e.g. increases in the fares charged for Community Transport and reductions in respite care) and national proposals (e.g. the availability of some benefits) . Whilst LCC cannot control some of these decisions, they could increase the adverse effect of the proposal. The LCC has a legal duty to consider this aspect, and to evaluate the decision, including mitigation, accordingly.

If Yes – please identify these.

The Welfare Reform Bill proposes a series of changes to the benefits system that include the introduction of universal credit and an overall benefit cap. This could

result in changes or reductions in the amount of benefit that families receive increasing the financial difficulty that would be faced by families incurring the charge for transport support.

Question 5 – Identifying Initial Results of Your Analysis

As a result of your analysis have you changed/amended your original proposal?

Please identify how –

For example:

Adjusted the original proposal – briefly outline the adjustments

Continuing with the Original Proposal – briefly explain why

Stopped the Proposal and Revised it - briefly explain

The service has completed a comprehensive consultation between 03 February and 25 April 2014 which has produced significant further evidence. The following observations have been made as a result of the consultation responses:

- a) It is perhaps unsurprising that a high proportion of parent/carers are reluctant to make a financial contribution for a discretionary post-16 transport service that they have enjoyed free of charge for the past 6 years.
- b) A number of respondents felt the proposed charge was too high. To mitigate the impact of the financial contribution, it is proposed that post 16 SEND students from low income families would be exempt from the charge. However, it is noted that those parents who work but may be low earners are hit harder financially because they are not on benefits. Further, some families are affected by other government policy changes to the welfare and benefits system which has resulted in a disproportionate impact on the disposable income of families with a disabled child or adult. It is also recognised that it is more expensive to raise a disabled child than a non-disabled child given the impact on increased heating, clothing and other personal expenses, the capacity for one or both parents to gain and maintain employment and the higher incidence of one parent families where there is a child with a disability.
- c) Respondents made a number of comments about means testing. Accordingly, mitigating against the impact of any future financial contribution for low income families who would be exempt from the proposed charge, a more comprehensive definition of entitlement is proposed defined by entitlement to Free School Meals for school sixth form pupils and post-16 pupils at a special school or Income Support, or Job Seekers Allowance (Income based) or support under part VI of the Immigration and Asylum Act

1999 or the guaranteed element of State Pension Creditor Income Related Employment Support Allowance or Child Tax Credit and are not entitled to Working Tax Credit and the annual income, as assessed by the Inland Revenue, does not exceed £16,190 (April 10 figure) or Working Tax Credit during the four week period immediately after employment finishes or after starting to work less than 16 hours per week or maximum amount of working tax credit.

- d) Implementation of the proposed contribution would still result in the County Council providing a large subsidy to support transport for the most vulnerable students who, due to the impact of impairment or disabling circumstances, cannot safely travel by other means to the nearest available establishment that meets their identified learning needs. The average annual cost to provide SEN transport to all eligible children and young people is £5,500 per child/young person so whilst appreciating that some respondents feel the charge is excessive, it represents a very small proportion of the actual average cost.
- e) Given the overall financial position of the Council and in developing options for amending post-16 SEND transport support, consideration has been given to the national picture where a significant number of local authorities ask for a contribution towards transport support for post 16 young people with SEND (Northamptonshire, Worcestershire, Calderdale, Devon, Essex, Norfolk, Staffordshire, Warwickshire). On average, these charges are between £500-600 per annum with the exception of Calderdale which charges £350 per annum. This suggests that the proposed charge of £475 plus an annual increase linked to the Retail Price Index + 5% is reasonable when compared with charges imposed by other shire counties or statistical neighbours.
- f) Mainstream post-16 students in Lancashire attending school sixth forms and further education colleges do not receive any financial support from the Council to fund their transport costs. Thus, the Authority is providing assistance to those with SEND beyond that given to their mainstream counterparts.
- g) Similarly, discretionary home to mainstream schools transport policy, is set at £475 per annum for parents who pay the contributory charge to faith schools, and, thereafter, by Retail Price Index plus 5%. Thus, this proposal aligns the two policies.
- h) Consideration has also been given to the importance of enabling students to access further education. A number of respondents suggested that the charge may prohibit young people from attending school/college of their choice or they may stop them going altogether. Students will not be required to move to courses at their nearest college; more rather, the post-16 transport policy will continue to enable students to attend the nearest college offering an *appropriate* course. However, the Children and Families Act 2014 and the new SEN Code of Practice place new duties on local colleges (and all FE providers including school sixth forms) which expect an enhanced and improved universal offer for students with SEND to enable them to attend their

local college wherever possible. Further, the reforms introduce new funding and study programme arrangements which should be used to tailor packages for young people with SEND including supported internships, traineeships and apprenticeships, in partnership with employers. Thus, increasingly, the SEND reforms place an expectation of an improved and enhanced local college offer so that young people with SEND can access their nearest college with suitably accessible courses offering the same opportunities for social inclusion which the vast majority of non-disabled students enjoy. The same issues also apply to school sixth forms. It is not possible with any major certainty to predict what impact the proposed contributory charge increase will have on future young people's or parental preferences.

- i) The future costs of fuel and transport cannot be predicted.
- j) The proposals take due account of the Children and Families Act 2014 published in March 2014 but publication of the new SEN Code of Practice has been delayed to mid-June. Whilst the anticipated content has been widely communicated, the delay in publication means that the annual requirement to update the Post-16 Transport Policy Statement by 31 May in anticipation of any changes for the following September has been missed. Accordingly, it is proposed that any changes to the policy approved by the Cabinet Member should be implemented from 1 September 2015 rather than from September 2014 as originally proposed. Thus, the delayed implementation will enable full account to be given to the new SEN Code of Practice and will also enable an extended period to support parents and young people in adapting to the new charging regime. The anticipated savings of £109,625 expected in 2014/15 academic year will need to be found from other efficiency savings within the Children's and Young People's Directorate. Based on an assumption that the demand for transport support for post 16 students with SEND will remain at current levels the proposals are estimated to generate revenue of around £329k per annum when fully operational in 2017/18 onwards. The proposed delay in implementation date will mean that from 1 September 2015, the contributory charge would be £475 + RPI + 5%.

Thus, following a review of the consultation findings, it is proposed that there should be an adjustment from the initial proposal to delay the implementation of the new charging arrangements until 1 September 2015 so that the implications of the new SEN Code of Practice (due to be published in mid-June 2014) can be fully considered.

Question 6 - Mitigation

Please set out any steps you will take to mitigate/reduce any potential adverse effects of your decision on those sharing any particular protected characteristic. It is important here to do a genuine and

realistic evaluation of the effectiveness of the mitigation contemplated. Over-optimistic and over-generalised assessments are likely to fall short of the “due regard” requirement.

Also consider if any mitigation might adversely affect any other groups and how this might be managed.

It is considered that the adverse effects of the proposed changes will be most keenly felt by those young people with SEND, and their families, who wish to enter further education and require transport support. Under these proposals this group of people will be required to pay a charge as a contribution to their transport support.

In mitigation the proposals take into account the impact of these charges on lower income families and include an exemption for families who are in receipt of qualifying benefits.

It is acknowledged that some families may still find it difficult to pay the charge upfront and therefore arrangements will be made to enable families to spread the costs over the year and pay by monthly instalments.

The service will proactively promote the Blind and Disabled Persons Nowcard where a learner is able to access the local bus network and is eligible for free travel after 9.30am on weekdays and for a flat rate before 9.30am. The service will also enter into discussions with local further education providers to influence the impact of the disjointed nature of college timetables on the individual learner and their transport needs. All too frequently, local colleges provide courses for limited hourly sessions over the course of a week resulting in personalised taxi transport on each separate occasion. The Council will work to influence colleges to develop timetables that take transport issues into consideration.

As previously noted, families just above the threshold for qualifying benefits may not be able to afford the charges introduced by these proposals. To mitigate against this, we will work closely with the County Council's welfare rights service to develop strategies around ensuring that such families are fully aware of the welfare benefits for which they are eligible and to maximise the take up of benefits.

Feedback from this consultation and generally will help to inform additional mitigating actions that can be introduced to lessen any adverse impact of these proposals.

Question 7 – Balancing the Proposal/Countervailing Factors

At this point you need to weigh up the reasons for the proposal – e.g. need for budget savings; damaging effects of not taking forward the proposal at this time – against the findings of your analysis. Please

describe this assessment. It is important here to ensure that the assessment of any negative effects upon those sharing protected characteristics is full and frank. The full extent of actual adverse impacts must be acknowledged and taken into account, or the assessment will be inadequate. What is required is an honest evaluation, and not a marketing exercise. Conversely, while adverse effects should be frankly acknowledged, they need not be overstated or exaggerated. Where effects are not serious, this too should be made clear.

The proposal to introduce a contribution towards the transport support provided to post 16 SEND students will produce annual budget savings of approximately £329,000 compared against a current annual expenditure of c£2.7 million.

The introduction of charges will have a negative impact on all the post 16 learners and their families who currently benefit from free transport to and from school/college who will be required to find the funds to meet the necessary contribution.

This impact will be felt, more specifically, by those families with a low income for whom the charge may not be affordable.

The introduction of the charges may result in some young people with SEND accessing the public bus network to travel to school or college which has its benefits in relation to developing a greater sense of independence and participation in public life. It can, however, also result in a young person with SEND being the subject of harassment and victimisation.

Further education has been proven to improve the outcomes for learners with learning difficulties and/or disabilities, supporting them to develop the skills and aptitudes to go into sustainable employment and participate in their community. Most significantly, the introduction of means tested charges for post 16 SEND students may deter families from encouraging participation in further education impacting on the long term opportunities and life chances of these young people.

Question 8 – Final Proposal

In summary, what is your final proposal and which groups may be affected and how?

Following analysis at the conclusion of the consultation, an amendment to the initial proposal has been made.

The final proposal recommends that the Cabinet Member

- a) agrees the transport policy be revised to include the introduction of a means

tested parental contribution of £475 per annum with an annual formulaic increase based on the Retail Price Index (RPI) plus 5%; and
b) delays the implementation of the new charging arrangements until 1 September 2015 so that the implications of the new SEN Code of Practice (due to be published in mid-June 2014) can be fully considered.

Question 9 – Review and Monitoring Arrangements

Describe what arrangements you will put in place to review and monitor the effects of your proposal.

The outcomes of the consultation have been fully documented and the equality analysis has been updated with the appropriate evidence which has informed the final proposals.

Equality Analysis Prepared By – Sally Riley

Position/Role - Head of Inclusion and Disability Service

Equality Analysis Endorsed by Line Manager and/or Chief Officer - Ann Pennell

Decision Signed Off By

Cabinet Member/Chief Officer or SMT Member

Please remember to ensure the Equality Decision Making Analysis is submitted with the decision-making report and a copy is retained with other papers relating to the decision.

Where specific actions are identified as part of the Analysis please ensure that an EAP001 form is completed and forwarded to your Directorate's contact in the Equality and Cohesion Team.

Directorate contacts in the Equality & Cohesion Team are:

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Contact for Environment Directorate, Lancashire County Commercial Group and One Connect Limited

Saulo Cwerner – Equality & Cohesion Manager

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Contact for Office of the Chief Executive and the County Treasurer's Directorate

Thank you