

Electoral Division affected: All

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

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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