

<p style="text-align: center;">Mayor's Advisory Board</p> <p style="text-align: center;">4th December 2019</p>	
<p>Report of:</p> <ul style="list-style-type: none"> • Sharon Godman, Divisional Director Strategy, Policy and Performance • Debbie Jones, Corporate Director, Children and Culture • Denise Radley, Corporate Director, Health, Adults & Community 	<p>Classification: Unrestricted</p>
<p style="text-align: center;">Improving SEND and Social Care Transport</p>	

Executive Summary

This report sets out our proposed approach to travel assistance for children with special educational needs and disabilities (SEND) and for adults with social care needs.

The Council's strategic plan outlines our commitment to transforming services to achieve better outcomes for residents, and our commitment to ensuring residents can live as independently as possible. Against a backdrop of restricted resources and rising demand, we have to look at new and innovative ways of protecting important services that support people now and in the future. This report and the attached Travel Assistance policy sets out a proposed approach in this context.

Section 3 of the report describes the current situation in relation to travel assistance in Tower Hamlets: It sets out our statutory duties, the rising demand for travel assistance from children with SEND, and the associated rise in costs. It goes on to summarise the national picture – which mirrors our own – and articulates our existing strategic commitments around promoting independence.

Section 4 of the report describes the findings of a strategic review of travel assistance. It sets out that an increase in demand and spend is projected if no action is taken. It describes the range of travel assistance options that already exist outside those offered through the Council's Transport Services Unit (e.g. personal travel budgets) and notes that these are not being fully utilised. It goes on to reiterate the four main options for SEND and adult social care transport that were discussed at the Mayor's Advisory Board in summer 2019:

- Option 1: Do nothing
- Option 2: Operational efficiencies (agreed and started)
- Option 3: Supportive policy improvements (proposed through this report and

Appendix I)

- Option 4: Restrictive policy and structural changes (not proposed – please see Section 2 for more detail).

Section 5 of the report describes the proposed revised Travel Assistance policy and its intended impact. The revised policy:

- Continues to place emphasis on empowerment and promoting independence, strengthening and setting out in more detail how we will apply this in practice;
- Makes no significant changes to the approach or support provided by the council to adults with social care need¹;
- Puts a renewed emphasis to offer, where appropriate, a broader range of travel assistance to children with SEND and their families, such as personal travel budgets and travel cards, and therefore a move away from a position whereby the council is providing either an internal service or a private hire vehicle by default; and,
- Alters the type of ‘discretionary’ travel assistance that will be provided by the council to children with SEND, restricting the use of the internal fleet and private hire vehicles commissioned exclusively to those who the council has a legal duty to provide transport assistance.

The section goes on to describe the intended impact of this approach coupled with the operational efficiencies being put into place. The anticipated impact includes:

- A continued decrease in demand for travel assistance in adults, and a dampening of the projected rising demand for travel assistance for children with SEND;
- Greater independence for children with SEND and adults with social care needs;
- A subsequent potential reduction of the council’s current expenditure on SEND and adult social care transport up to £1.4m, with opportunities for further reductions.

The report also recommends that public consultation on the revised Travel Assistance policy – targeted at children with SEND and their families and carers – be carried out between January and end of February 2020. The final policy and approach can then be returned to Cabinet in April

Recommendations:

The Mayors Advisory Board is recommended to:

1. Note the contents of this report;
2. Agree the policy principles that form the basis of Option 3, articulated in the revised Travel Assistance Policy (Appendix I)

¹ This is because the pressure in adult social care is being effectively addressed, whereby the focus on promoting independence and strengths-based practice has resulted in an increase in the number of adults travelling independently.

3. Note the Equalities Analysis (Appendix II)
4. Agree for consultation to be carried out in respect of the recommended approach. The consultation will be aimed at children with SEND and their families and carers between January and end of February 2020, given that no substantial changes are being proposed for adults with care needs (Appendix

1 REASONS FOR THE DECISIONS

- 1.1 The proposed new approach is in accordance with our commitment, across all service areas, to ensuring that residents can live as independently as possible.
- 1.2 The proposed new approach is intended to address the projected rise in demand. If the council were to make no substantial improvements travel assistance costs are forecast to rise from £7.9m to £9.6m per annum by 2024/25 and service users are anticipated to grow by 215 in the same period.
- 1.3 In the absence of this focus within this service area, most children with SEND in receipt of travel assistance are placed on either a bus provided by the internal Transport Service Unit or on private hire vehicles organised through the Transport Services Unit. Both forms of support should traditionally be reserved for those with the highest level of need.

2 ALTERNATIVE OPTIONS

- 2.1 Do nothing (*not recommended*).
- 2.2 Explore options to change the internal transport delivery model (*not recommended*). This option would have explored the possibility of outsourcing the internal delivery model to an external provider.
- 2.3 Consider an approach in line with option 4, whereby more restrictive policy and structural changes would be put in place (*for consideration*). This option represents the most radical approach. It would incorporate all the elements of options 2 and 3 but go further with a more restrictive policy position that could include stopping all discretionary services like direct transport provision; having more of a 'default' offer of personal travel budgets (used interchangeably with direct payments in this report) to those under school age and delivering school routes on a staggered roster.

This option could reduce spend by up to £3.7m. However, it is also likely to be the most disruptive to existing users and other service areas, such as schools' provision. This report proposes proceeding with Option 3 as this enables a personalised, tailored travel assistance to be provided to children with SEND and adults with care needs whilst also dampening demand. However, Options 3 and Options 4 are not mutually exclusive and may be better understood as a 'menu' of more detailed options that can be drawn from. So whilst this report focuses on Option 3, there may be aspects of Option 4 that may still warrant consideration.

3. BACKGROUND AND CONTEXT

3.1 Eligibility and statutory duties related to travel assistance

- 3.1.1 The council has a legal duty to provide transport assistance to eligible children and young people. For adults, local authorities have a legal duty to ensure any eligible social care needs identified through a Care Act assessment are met, which for some individuals might relate to transport.
- 3.1.2 The council must provide such free home to school travel arrangements for school-age children² that we consider necessary to facilitate the attendance at school of eligible children resident in our area³. There are four categories under which children can be eligible:
- statutory walking distances;
 - special educational needs, disability or mobility problems;
 - Unsafe walking route; and
 - extended rights
- 3.1.3 We have a discretionary power to provide home to school travel for children resident in the area who are not eligible children. We may, for example, use this discretionary power to:
- provide free home to school travel to children who are not eligible children
 - provide home to school travel for children who are not eligible children for which parents are charged a reduced rate.
- 3.1.4 There is no legal requirement for local authorities to provide travel assistance beyond the completion of Year 11, however, we have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport, or otherwise that the authority considers necessary, to make to facilitate the attendance of all persons of sixth form age receiving education or training.
- 3.1.5 Without exception, parents and carers have a (legal) responsibility to ensure that their child/ children attend school regularly, regardless of the child's special educational needs or disabilities.
- 3.1.6 For adults, councils have a legal duty to ensure that social care needs that meet the 2014 Care Act eligibility threshold are met. Care Act statutory guidance includes the following:
- *“6.100 The national eligibility criteria set a minimum threshold for adult care and support needs and carer support needs which local*

² A child reaches compulsory school age on the prescribed day following their fifth birthday or on their fifth birthday if it falls on a prescribed day. The prescribed days are 31 December, 31 March and 31 August. A child ceases to be of compulsory school age on the last Friday in June in the school year in which a child reaches age 16.

³ [Statutory guidance for local authorities: Home to school travel and transport for children of compulsory school age](#)

authorities must meet. All local authorities must comply with this national threshold’.

- ‘6.106 Local authorities should consider the adult’s ability to get around in the community safely and consider their ability to use such facilities as public transport, shops or recreational facilities when considering the impact on their wellbeing’
- ‘6.63 In considering what else might help [people achieve their desired outcomes] authorities should consider the person’s own strengths and capabilities, and what support might be available from their wider support network or within the community to help’.

3.2 Demand for travel assistance

3.2.1 Travel assistance has historically often been offered via the Council-owned fleet of buses managed by the Transport Services Unit (TSU), or through private hire vehicles (e.g. taxi’s) organised through the TSU.

3.2.2 Overall, demand for travel assistance has grown in the last four years, as demonstrated in Table 1 below. Since 2015/16, SEND and social care passenger numbers have collectively grown from approximately 1,000 passengers to almost 1,200 in 2019/20, increasing the associated costs by 38%, from £5.7m to £7.6m. These increases have added further strain to service areas that already under significant pressure from cost and demand growth. Passengers for the internal fleet and external private hire vehicle service have grown at different rates. In total, all TSU passengers have grown by 2%, while passengers using the private hire vehicle framework have risen by almost 10%.

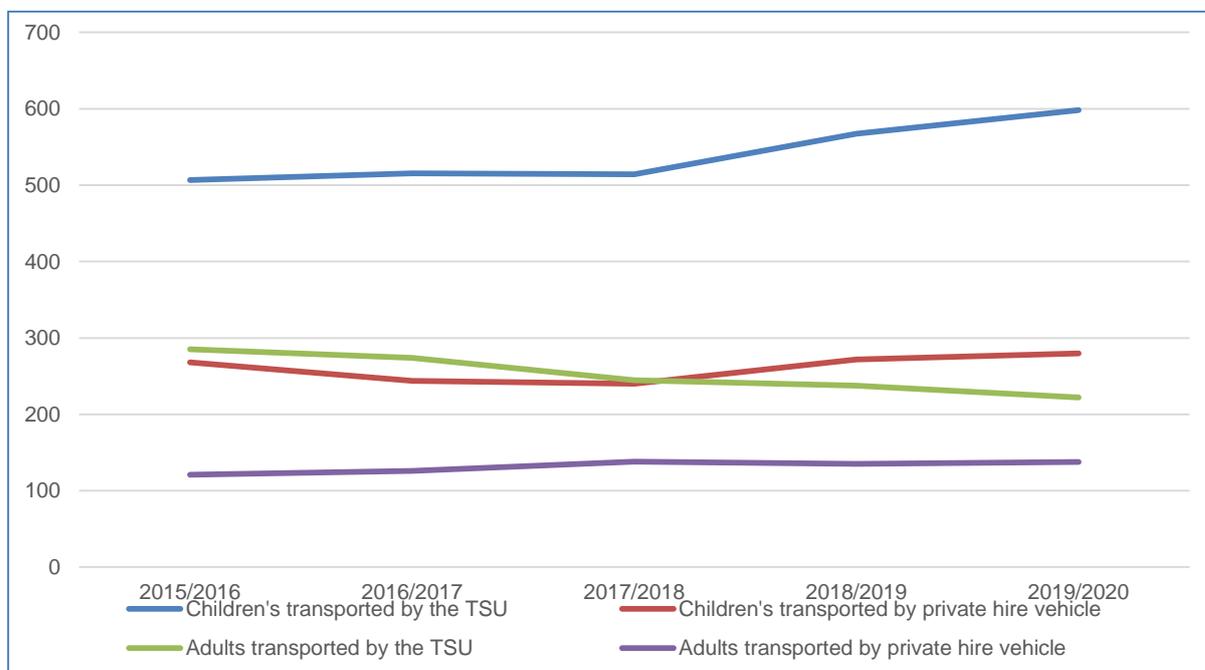


Table 1: Number children, young people and adults provided with travel assistance via the TSU, 2015/16 to 2019/20

3.2.3 Of the 817 children and young people with SEND currently receiving transport assistance Tower Hamlets:

- 42 are of nursery or reception age;
- 357 are attending primary school;
- 293 are attending secondary education; and,
- 119 are attending post 16 education.

3.2.4 Adult social care passenger growth is more nuanced: Overall, there has been a reduction in the number of adults getting travel assistance: 30 fewer adults receive travel assistance now compared to in 2016/17. Within this overall reduction, TSU fleet passengers have shrunk by 17%. However, passengers using private hire vehicles commissioned through the council framework have risen by 11%. Furthermore, the forecast future demand in relation to children with SEND influences the forecast future demand for adults later down the line; so overall, a slight increase in the future demand for adult travel assistance is still anticipated.

3.2.5 Passenger assistants across both Adults and Children’s Services have also increased significantly, from 153 to 230, up 30% since 2015/16.

3.3 Costs

3.3.1 In line with an overall increase in demand, TSU service costs have increased by 16% over the last four years from £3.8m to £4.5m, and external transport (i.e. private vehicle hire) costs have increased by 66%, from £1.9m to £3.9m. Children’s Services have experienced the most significant growth during the period, with total service users growing 11%.

3.3.2 Table 2 (below) sets out the budget for travel assistance against expenditure over the last four years. Table 3 sets out expenditure in more detail.

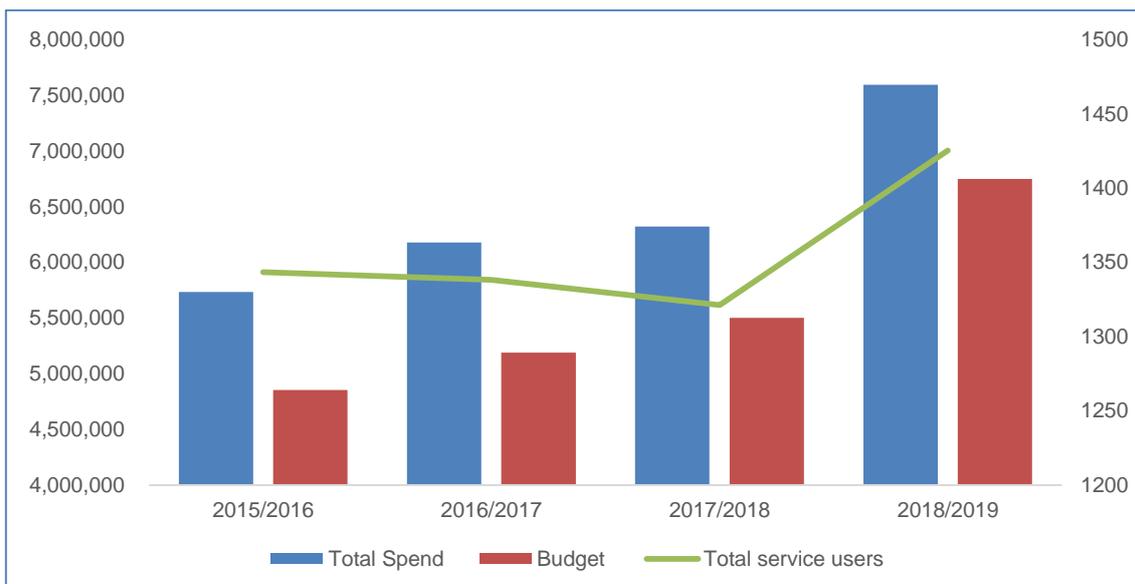


Table 2: Historic Budget v. Actuals, 2015/16 to 2018/19

	2015/2016	2016/2017	2017/2018	2018/2019
TSU Department Charges (£)	3,828,951	3,974,978	4,000,082	4,430,870
External Transport Costs (£)	1,904,696	2,205,053	2,322,410	3,163,163
Total Spend (£)	5,733,646	6,180,031	6,322,492	7,594,033

Table 3: Council expenditure, 2015/16 to 2018/19

- 3.3.3 The total spend for Children's Services in 2015/16 was £3,859,950 and in 2017/18 - the latest actual figures available - the spend was £4,134,466, an increase of 7%. This indicates that Children's Services have managed costs well over the period as there has been no significant increase in actual costs incurred. However, there was a significant increase in expenditure in 2018/19 with the bulk of the increase coming from external transport costs. The performance of Children's Services transport over the period shows that between 2015/16 and 2017/18 the actual expenditure exceeded the budgeted expenditure by around £1m. This is set out in Table 4 below:

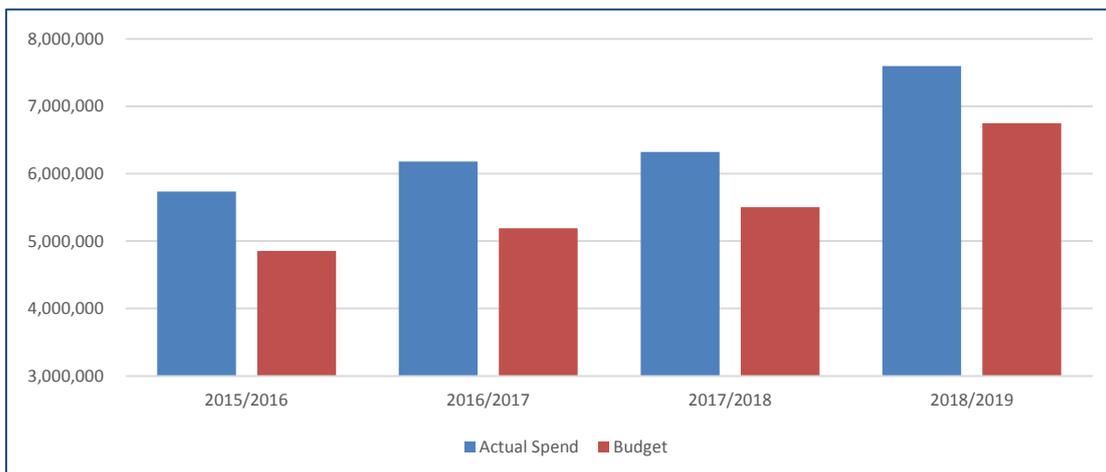


Table 4: Actual spend and budget on travel assistance, Children's Services

- 3.3.4 In total, the council is spending £469,118 on external transport for children under and over the compulsory school age.
- 3.3.5 In adults, spending increased from £1.9m in 2015/16 to £2.2m in 2017/18, before dropping back to £1.9m in 2018/19. In each of these years the actual expenditure incurred was less than the budgeted amount. This indicates strong cost control and budgeting in adult social care in relation to the delivery of the internal and external transport functions.

3.4 National context

- 3.4.1 The council is not alone in trying to mitigate the trend of increased pressure for travel assistance, with a focus on children with SEND. A paper published by the

Local Government Association ⁴ in November 2019 concludes that between 2014-15 and 2017-18, the total national spend on home-to-school transport increased from £1.02 billion in 2014-15 to £1.08 billion in 2017-18 – an overall increase of 6.5%. The percentage of councils that are overspending their home to school transport budgets increased from 71% to 83%. The total national deficit on home to school transport now stands at £111 million.

3.5 Existing strategic commitments in relation to travel assistance

- 3.5.1 In addition to a backdrop of rising overall demand, it should be highlighted that the council is clear in its commitment to improving support for and the quality of life of people with disabilities and the support provided to their families and carers. This is set out in our strategic plan and other council partnership plans and strategies that include Every Chance for Every Child, the Children and Families Strategy, the SEND strategy, the Health and Wellbeing Strategy, the Ageing Well Strategy, the Learning Disability Strategy and the Adult Mental Health Strategy. Collectively, these strategies articulate our commitment to empowering residents to be as resilient and independent as possible.
- 3.5.2 Applying this to travel assistance, the aspiration is to support children, young people and adults to develop a range of skills and build confidence to travel independently and wherever possible in the wider community use the most appropriate methods of transport confidently and safely.

4. **STRATEGIC REVIEW OF TRAVEL ASSISTANCE**

4.1 Introduction

In light of the challenges described in section (3), the council commissioned Grant Thornton UK LLP to undertake a strategic review of SEND and Social Care Transport. The review was designed to gain additional insight into current operations of the service as well as support a corporate aspiration to align multiple transformation workstreams currently underway across three Directorates.

4.2 Future demand

The insight generated from this review indicates that we can expect demand to continue to rise if no action is taken. This demand is driven from children with SEND, but will have consequent implications for demands on adult social care. Projected future demand and users is set out in Table 5 below:

⁴ <https://www.local.gov.uk/school-transport-under-threat-bill-set-rise-ps12-billion-2024>

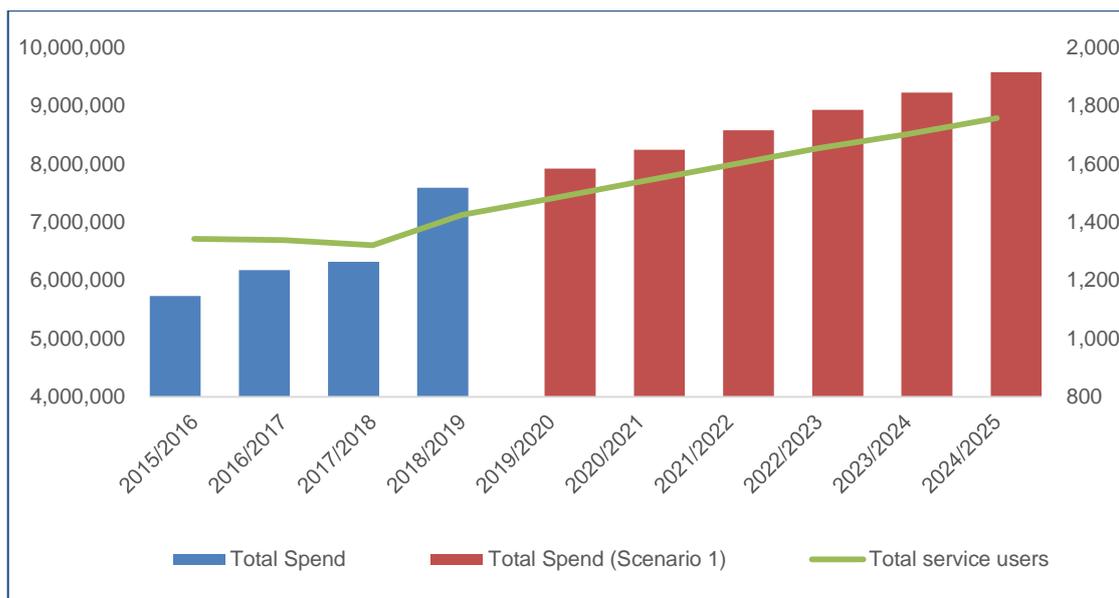


Table 5: Projected demand for travel assistance (“do nothing” option)

4.3 Future spend

The review found that if no remedial action is taken to dampen future demand or improve the efficiency and effectiveness of either the internal or external service, we can expect total spend to increase from £7.9m this year to £9.58m in 2024/25, representing a 20.9% increase over this time period. Total service users are projected to increase from 1,482 to 1,759.

4.4 Existing alternatives to the Transport Services Unit

4.4.1 The review – and existing travel assistance policies in the council – also confirm that travel assistance through the internal TSU fleet and the external services organised by the TSU are not the only forms of travel assistance available. Alternative options that are in line with the council’s strategic aims to promote independence include:

- I. A freedom pass to enable people to travel, accompanied as necessary, using any public transport service.
- II. A travel pass to enable a child to travel to school accompanied, if necessary, by an adult via public transport solutions.
- III. Access to the taxi card scheme which subsidises the cost of taxis for people with serious mobility problems who cannot use public transport.
- IV. Independent Travel Training provided by the council, focused on the needs and capabilities of an individual.
- V. Parental reimbursement at the council’s standard rate which may be reviewed later, for using their own vehicle to transport their eligible child to and from school.
- VI. Direct payments from the council to adult service users, parents or carers where there is an interest in people arranging transport themselves.
- VII. Some council-commissioned services already provide their own transport, such as day services.

4.4.2 The review found that - despite the range of interventions and support listed above - most children and young people deemed eligible for transport assistance by the council are placed on private hire vehicles or buses run by the TSU. Furthermore, anecdotal feedback is that many residents expect to be provided with a place on council transport or a seat in a private hire vehicle, irrespective of their need. The risk is that this undermines the council's aspirations in other policy areas as well as potentially impacting negatively on individual and family's independence.

4.4.3 However, the review found that interventions in adult social care to promote independence had resulted in positive outcomes for service users and the council. A focus on empowering people to travel independently and offering Independent Travel Training as a core part of this has led to an overall reduction in service users receiving travel assistance (30 fewer service users since 2016/17) and council expenditure. Reliance on the TSU service has reduced overall.

4.5 Other findings

4.5.1 The review also identified the key factors to rising cost:

- I. The council provides a significant amount of 'discretionary' travel assistance in addition to the statutory requirements;
- II. Alternative options to the use of bus and private hire vehicles such as personal travel budgets for children with SEND, have been underutilised not actively promoted, creating an over-reliance on the internal transport service and private hire vehicles;
- III. Historically, the internal fleet has been poorly utilised, with routes planned on a manual basis;
- IV. There is limited customer and performance management data, restricting the council's ability to ensure that decisions are informed by evidence

4.5.2 The review found that the council has conducted several operational investigations and has attempted various interventions to drive down service costs and curb demand. For example, a reduction in some adult passengers has been partly attributed to successful interventions such as the rollout of Independent Travel Training and amending the referral pathway. Other interventions, such as the re-commissioning of external transport, have not produced the expected outcomes, resulting in reduced access to the marketplace and increasing the cost of the external framework.

4.5.3 The review also noted that it is widely accepted and stipulated by many councils that wherever possible, parents and carers should seek to make arrangements for their child to attend school in the same way as parents and carers of pupils without an Education, Health and Care Plan (EHCP). This is viewed as an essential factor in developing the child's independence, social and life skills. Most children with an EHCP do not require specialised travel assistance. Travel assistance for children with an EHCP or SEND should be offered based on the individual needs of a child. In some situations, children

who do not have an EHCP but have medical needs which affect their mobility may also be eligible for transport.

4.6 Options arising from the review

The review resulted in four main cumulative options – reviewed by the Mayor’s Advisory Board in summer. The options were:

I. Option 1: Status quo (do nothing)

This option involves taking no remedial action to dampen future demand or improve the efficiency and effectiveness of either the internal or external service.

II. Option 2: Operational efficiencies

This option maintains the existing delivery model, while making a number of operational efficiencies. These include improving the utilisation rates of the internal fleet, addressing the split of routes between the internal fleet and external providers, recommissioning the external service through a robust Dynamic Purchasing System and, improving existing operational and performance management systems and deployment of resources.

III. Option 3: Supportive policy improvements

This option maintains the existing delivery model, making all operational efficiencies included in option two and to better implement a broader range of supportive passenger assistance policies.

IV. Option 4: Restrictive policy and structural changes

This option would maintain the existing delivery model, making all operational efficiencies and supportive policy improvements included in option 3 and to implement a number of restrictive policies, such as stopping the provision of discretionary services for children with SEND.

- 4.7 Following discussions at the Mayor’s Advisory Board on these options, Option 1 was not recommended. Officers were asked to implement the core components of Option 2. This has been taken forward, with officers managing progress through internal action plan, officers were asked to progress exploring Options 3 and 4. The attached Travel Assistance policy represents an articulation of Option 3. What the policy describes, the work associated with it, the implications for children, adults and the local authority overall, and why this option has been progressed is explained in the next section.

5. **THE PROPOSED NEW TRAVEL ASSISTANCE POLICY**

5.1 Introduction

- 5.2 The proposed new Travel Assistance policy (Appendix I) brings together and strengthens existing policies in Children’s Services and in Adult Social Care. The policy is an articulation of Option 3 and is in line with our strategic commitments: It aims to ensure that personalised support is provided to residents who need it, with a focus on promoting independence. It is intended to strengthen and refocus our commitment to developing people’s strengths and capabilities, and improving the life chances of children with SEND and the support provided to their families and carers. It also provides the opportunity to update the council’s policies in line with the Government’s latest guidance.

5.3 Overall, maintaining a mixed economy model of delivery, making operational efficiencies relating to both the internal service and implementing a broader range of supportive passenger assistance policies is anticipated to result in benefits for the local authority and for residents.

5.4 Content of the policy

5.4.1 The new Travel Assistance policy enables Adult Social Care to continue on its current trajectory, supporting adults to travel independently where possible and to have a choice over travel assistance when this assistance is needed.

Although the revised travel assistance policy for adults has been updated to bring it into one overarching policy for the local authority, it is important to note that there are no specific changes to the support being offered by the council to adults with social care needs.

5.4.2 For children with SEND, the new policy includes a new set of questions to guide robust assessments – learning from work already carried out in adult social care. These questions are focused on promoting independence and will be used as a basis for a new referral and assessment pathway⁵. The questions are:

- I. What is the distance and complexity of the journey to and from school, and what are the public transport routes available?
- II. Would the child have considerable difficulty in walking or using public transport due to their special educational needs or disability?
- III. Does the child's special educational need or disability rule out the use of free public transport, or is suitable public transport not conveniently available? – for example wheelchair users, specialist seating, harnesses, head restraints or other specialist facilities
- IV. Does the child have emotional/behavioural difficulties that severely affect their ability to use free public transport or would the child be vulnerable and at risk of danger to themselves, or the general public, if they use public or other transport (accompanied as necessary)?
- V. Would the child be able to travel independently to school if suitably travel trained?

5.2 The policy aims to enable officers through the annual review to offer, where appropriate, a broader range of travel assistance to children with SEND and their families. This includes expanding the existing Independent Travel Training travel programme, offering direct payments and travel allowances and expanding the number of travel passes provided. This signals a move away from a position whereby the council is providing either an internal service or a private hire vehicle by default.

⁵ It is intended that there be a revised referral and assessment pathway for children with SEND. This is being developed and a report is expected by 7th December. It will sit alongside the attached updated Travel Assistance policy to help ensure that the policy is reflected in practice.

- 5.3 The revised home to school travel assistance policy makes the policy compliant with updated statutory guidance from Government and aims to better support greater independence as children and young people follow a pathway to adulthood⁶.
- 5.3.2 The differences between the current and proposed new Travel Assistance policy are described in more detail in Appendix IV. Overall, the revised policy:
- Continues to place emphasis on empowerment and promoting independence, strengthening and setting out in more detail how we will apply this in practice;
 - Puts a renewed emphasis to offer, where appropriate, a broader range of travel assistance to children with SEND, such as personal travel budgets and travel cards, and therefore move away from a position whereby the council is providing either an internal service or a private hire vehicle by default; and,
 - Alters the type of ‘discretionary’ travel assistance that will be provided by the council to children with SEND, restricting the use of the internal fleet and private hire vehicles commissioned exclusively to those who the council has a legal duty to provide transport assistance.
- 5.3.3 Once adopted, we will have the opportunity to reassess current service users under this revised policy, ensuring that each passenger is using the most appropriate methods of transport confidently and safely⁷.
- 5.3.4 For children and young people, this is likely to mean transitioning a range of different passengers away from the transport provided by the internal TSU or private hire vehicles, to one of the other forms of assistance available. All of these are more conducive to support greater independence, and in the longer term, a better quality of life. For children and young people, the annual review will generally be the vehicle for any change in the travel assistance offered and ideally this would be co-designed with families.
- 5.3.5 Appendix V provides an overview of the number of children travelling on either a bus provided by the internal TSU or in private hire vehicles, by SEND category and distance travel. Passengers have been grouped into ‘under 8’ and ‘over 8’ and ‘over’ and ‘under’ the statutory walking distance. This is important

⁶ The latest guidance from the Department for Education states that: ‘an effective home to school travel policy will clearly explain the four categories of eligible children; any other help with home to school travel the local authority provides using its discretionary power; how and when parents should apply for free home to school travel (or other help with home to school travel); how children’s eligibility will be assessed; how the local authority measures distance for the purposes of assessing eligibility, and how it assesses route safety; In instances of dual living arrangements, such as equal shared custody for separated parents, how the local authority determines the child’s home; the ways in which free or discretionary home to school travel will be provided; for example, dedicated school bus, bus pass for use on public service buses, dedicated taxi; any charges made for discretionary transport; and how parents may appeal against the local authority’s decision in relation to home to school travel for their child.

⁷ National guidance that is currently out for consultation states: “A child’s needs may need to be reassessed from time to time, for example, as the child’s needs change or if any changes are made to the travel arrangements. Some children with special educational needs can find change distressing. Local authorities should, therefore, provide parents with as much notice as possible of any changes in a child’s travel arrangements”.

as for home to school transport, 611 of the 815 children currently receiving transport assistance live within the statutory walking distance, and travel assistance should be offered based on an assessment of the individual's mobility and the distance from home to school may influence the type of travel assistance.

5.4 The anticipated impact of the new Travel Assistance policy

- 5.4.1 Overall, it is intended that the new Travel Assistance policy will empower and promote the independence of children with SEND, and adults with social care needs.
- 5.4.2 An example of this transition could be in the type of assistance provided to children under compulsory school age. Currently, the council transports 42 children under the age of four at an annual cost of approximately £240,000 per annum. Yet the council has no legal obligation to offer travel assistance to children under the age of 5. Recognising the benefit, in some circumstances, of supporting these children to attend specific settings from an early age, the council could instead choose, as many other councils do, to provide support exclusively in the form of a personal travel budget. As an illustration, if each of these families were reimbursed the cost of an annual travelcard (zones 1-3) at c. £1,648, instead of the being given a place on a council bus or in a private hire vehicle, this annual cost would reduce to £70,000 per annum. This frees up resources equivalent to £170,000 to be redirected to services provided to those where the council has a statutory duty.
- 5.4.3 Another example would be supporting more families that have children of compulsory school age (between 5 and 17) and that are eligible for home to school transport to take up personal transport budgets. The council currently transport 226 children in private hire vehicles at an average cost of £12,502 per child per annum. As an illustration, if 20% these families were provided with a personal transport budget (a number similar to other London Boroughs) of £4,000 per annum, this would reduce annual expenditure on private hire vehicle by £384,000.
- 5.4.4 The potential impact on children, families and adults with care needs is explored in more detail in the attached Equalities Analysis.
- 5.4.5 In terms of demand and expenditure, it is anticipated that the combination of operational, commercial and policy improvements could reduce service costs by up to £1.4m over next two to three years commencing from 2021/22 with opportunities for further reductions.
- 5.4.6 Table 6 illustrates the original proposed impact of making these changes on future council spending in more detail. It is expected that the proposed changes will take time to embed and will likely deliver over a longer term as behaviours start to shift towards the required outcomes. Most of the benefits are expected to be delivered from 2021/22 onwards in line with the savings proposals. For example, the Dynamic Purchasing System in the TSU will require strong market engagement on an ongoing basis to facilitate better

competition to drive through prices alongside improving on alternatives to direct transport provision. From 2021 to 2024, total spend increases from £6.1m to £7.1m. This represents a 15% increase over that time period.

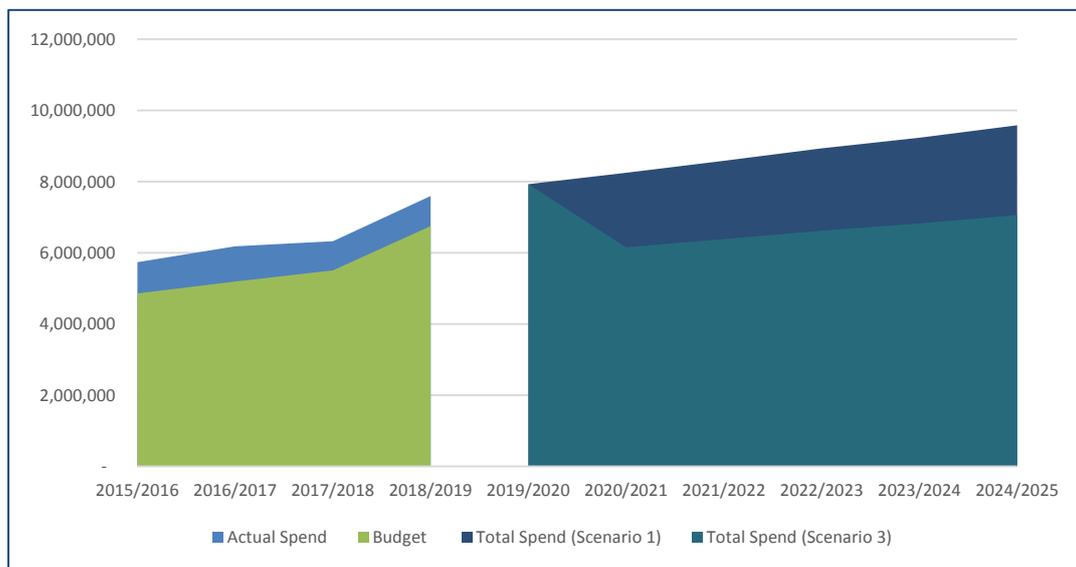


Table 6: Actual and projected spend, options 1 and options 3

6. FURTHER FINANCIAL CONTEXT

- 6.1 In 2018/19 the budget of Children's Services increased significantly, by £1.2m from the 2017/18 budget. The reason for this increase is that Children's Services were granted additional funding of £1.2m to cover cost pressures the services has experienced. £1m of this funding was granted to cover internal transport costs and the remaining £0.2m for external transport services. However, this increase in budget has been accompanied by an increase in forecast expenditure meaning the budget does not reflect the actual cost.
- 6.2 As part of the 2020/21 budget setting process there is a growth proposal that seek to address this funding inconsistency. However, the expected efficiencies and operational changes that will be required under the proposals will contribute to future savings on transport.
- 6.3 To support the future savings on transport various initiatives will be undertaken that will seek to reduce the proposed spend from 2021/22. The action plan will ensure that all initiatives are co-ordinated to achieve maximum impact.

7. OTHER CONSIDERATIONS

- 7.1 Changes to the policy will only be effective if they are implemented correctly and robustly. We need to ensure robust financial and performance management controls are in place. This may include retraining for staff currently involved in delivering these services. The improvement plan needs to incorporate action from the review, audit and equality analysis and its implementation reviewed by a new service improvement group.

7.2 Part of the council's fixed roster bus services for children with SEND and adult social care users is delivered internally by the Transport Service Unit (TSU) in the Place Directorate. The fleet of vehicles is owned by the council and the planning and operation is managed by a dedicated team, which includes drivers that are directly employed by the council. There are several advantages to this approach:

- The council retain complete operational control of a key public service that is underpinned by statute;
- They are free to adapt the service to changing circumstances including changing demand patterns for different schools and adult social care services without being locked into a contract; and,
- The council may also be able to achieve economies of scale when purchasing their fleet and its maintenance given their large purchasing power.
- The council is currently assessing the state of its fleet and will be undertaking an exercise to lease new fleet to replace the ageing fleet.
- The approach to lease will provide the service some capacity to flex in response to the changing needs of demand.

7.3 As well as the pre-existing commitment to promote independence, it is also useful to highlight that the council is also committed to reducing traffic congestion, improving road safety and reducing the environmental impact of vehicle journeys by promoting the use of alternative forms of travel, such as walking, cycling and use of integrated public transport. Due consideration will be given to the above commitment when designing any future approach.

7.4 Additional consideration will be required to understand any resource requirement by services to undertake the changes agreed in line with the new policy.

7.5 The changes being proposed in this report have been considered in the context that the existing bus fleet (which accounts for a significant proportion of the travel assistance currently provided to children and adults) is ageing and in need of replacement, so will inform investment decisions in this area.

8. EQUALITIES IMPLICATIONS

8.1 An Equalities Assessment has been included as Appendix II.

9. OTHER STATUTORY IMPLICATIONS

9.1 These are described in the body of the report.

9.2 Best Value Implications: The council is obliged as a best value authority under Section 3 of the Local Government Act (1999) to "make arrangements to secure continuous improvement in the way in which its functions are exercised having regard to a combination of economy, efficiency and effectiveness". The proposal will seek to provide better value for the council through improved commercial arrangements and better use of existing resources.

10. COMMENTS OF THE CHIEF FINANCE OFFICER

- 10.1 Transport Services for Childrens SEND and Adults Social Care clients are provided internally by the Transport Service Unit (TSU) bus fleets or commissioned externally by private hire vehicles. For 2019-20 Childrens SEND has a total transport budget of £4.370m and is forecasting a budget pressure of £1.545m. Adult's social care has a transport budget of £2.330m and is forecasting a balanced budget.
- 10.2 There has been a significant increase in transport costs since 2015-16. In total TSU costs have increased from £3.8m to £4.5m (16%) and external transport costs from £1.9m to £3.9m. Childrens Services have seen the most growth with service users during this period (approx. 11%)
- 10.3 The 2019-20 Childrens SEND budget includes a one-off growth allocation of £1m which is due to be reversed in 2020-21. Due to the ongoing SEND pressures, Children & Culture have submitted a growth bid for £2.5m in the 2020-21 MTFS. This amount will negate the reversal of the £1m and offset the £1.5m pressure.
- 10.4 The recent Grant Thornton review identified that the council would have to make substantial improvements in the efficiency and effectiveness of travel support to avoid future increases in costs and pressures to the services. In order to achieve this target the SEND action plan was presented and agreed by CLT & MAB in September 2019 formed the basis for this report.
- 10.5 Option 2 sets out the operational efficiencies required in order to reduce costs. The progress and next steps are detailed in Appendix 2. The introduction of new commissioning arrangements through a new Dynamic Purchasing System to increase the range of providers used is expected to decrease costs, along with the introduction of new SEND transport policies to support children and families to access alternative means of travel, including the use of direct payments and maximising use of independent travel schemes. Maximising use of internal transport services, through improved routes and reducing demand for 'second runs'.
- 10.6 Option 3 incorporates the improvements within option 2, moving on to revise the Travel Assistance Policy for Children's SEND and Adults Social Care Clients with the potential to reduce costs by up to £1.4m across Children's and Adults services.
- 10.7 Option 4 would implement all changes in Option 2 and Option 3 and consider Restrictive policy and structural changes, such as ceasing discretionary services within Children's SEND. This option has not been presented to MAB and would require detailed analysis of cost reduction. This option would be the most radical and disruptive to service users

- 10.8 Children's SEND has a 2-year savings target of £1m to achieve (£0.5m in 2021-22 and £0.5m in 2022-23). If the operational efficiencies and Travel Assistance Policy are not implemented, then the achievement of this savings target would be at risk.
- 10.9 Any reduction in costs for Adults Social Care clients would support the delivery of the Adults services savings target to be delivered in 2021-22 (Promoting independence and in borough care for adults with disabilities)

11. COMMENTS OF LEGAL SERVICES

- 11.1 The draft travel assistance policy is consistent with the council's duties in respect of the provision of transport services for children and adults in need of care and support. The key duties which must be taken into consideration are outlined below.
- 11.2 In selecting the option members decide to progress, the council should take into consideration its general duty under section 508A of the Education Act 1996 ('the Act') to promote the use of sustainable travel and transport to and from schools. The Act defines sustainable modes of travel as those that the local authority considers may improve the physical well-being of those who use them, the environmental well-being of all or part of the local authority's area, or a combination of the two. This should take into account the local transport infrastructure.

Duties to eligible children

- 11.3 Section 508B of the Act places a duty on the council to make such travel arrangements as it considers necessary to facilitate attendance at school for eligible children. Schedule 35B of the Act defines eligible children – those categories of children of compulsory school age (5-16) in an authority's area for whom free travel arrangements will be required - which are outlined in the body of this report and the revised travel assistance policy.
- 11.4 Section 508C of the Act provides the council with discretionary powers to go beyond its statutory duties and provide transport for children who are not entitled to free transport. This includes consideration of paying the reasonable travel costs for a person to escort the child to and from school.
- 11.5 In respect of compulsory school aged children, the council must comply with the statutory guidance "Home to school transport and travel support to education and training" published in July 2014 ("the guidance"). The guidance notes that Transport for London provides free bus passes for all children under the age of 16, therefore London Boroughs may not need to make any additional travel arrangements for children living in their area, particularly when eligibility would be through statutory walking distances or extended rights.

Duty to publish transport policy for post-16s

- 11.6 Additionally, the council has a duty under sections 508F and 508G of the Act to publish a transport policy statement for young people of sixth form age and adults aged 19 and over (including those with an Education, Health and Care (EHC) plan) in education and training. The Council must also have regard to the statutory guidance “Post-16 transport and travel support to education and training” published in January 2019.
- 11.7 The Post- 16 guidance sets out:

“The legislation recognises that it is important that decisions on whether local authority arranged transport for this age group is necessary, sits at a local level and, as with the previous duty, the flexibility of the extent of an individual policy lies with individual local authorities. Where local authorities do decide that it is necessary for them to provide transport, this must be provided free of charge, however, the legislation also gives local authorities the flexibility to contribute to, fund or charge for other transport solutions where it wishes.” (paragraph 19)

Duties to adults in need of care and support

- 11.8 Under section 8 and 18 of the Care Act 2014, the council has a duty to meet the eligible needs of an adult in need of care and support, which may include services such as transport. The council must also have regard to the Care and support statutory guidance, updated in October 2018.

Consultation and the equality duty

- 11.9 The guidance requires the council to consult widely on any proposed changes to its local policy on school travel arrangements with all interested parties. Consultations should last for at least 28 working days during term time. This period should be extended to take account of any school holidays that may occur during the period of consultation. The proposed consultation complies with these requirements.
- 11.10 When determining its transport policy, the council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). This includes, where appropriate, completing an equality impact assessment which should be proportionate to the function in question and its potential impacts. Given the potential impact on children with SEND, this must have particular regard to the impact of any policy change on children or parents with a disability.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix I – Proposed Travel Assistance Policy
- Appendix II – Draft Equalities Analysis
- Appendix III – Differences between current and proposed Travel Assistance Policy
- Appendix IV – Profile of current SEND users getting Travel Assistance
- Appendix V - Draft indicative Communications and Consultation Plan

Background Documents – Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012

- None

Officer contact details for documents:

Or state N/A