

Public Document Pack



**Service Director – Legal, Governance and
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Friday 19 January 2018

Notice of Meeting

Dear Member

Children's Scrutiny Panel

The **Children's Scrutiny Panel** will meet in the **Council Chamber - Town Hall, Huddersfield** at **10.00 am** on **Monday 29 January 2018**.

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read 'Julie Muscroft', on a light-colored background.

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Children's Scrutiny Panel members are:-

Member

Councillor Cahal Burke (Chair)

Councillor Donna Bellamy

Councillor Fazila Loonat

Councillor Paul Kane

Councillor Robert Light

Councillor Amanda Pinnock

Dale O'Neill (Co-Optee)

Fatima Khan-Shah (Co-Optee)

Agenda

Reports or Explanatory Notes Attached

	Pages
1: Minutes of the Previous Meeting	1 - 4
<p>To approve the Minutes of the meeting of the Committee held on 18 December 2017.</p> <hr/>	
2: Interests	5 - 6
<p>The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.</p> <hr/>	
3: Admission of the Public	
<p>Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.</p> <hr/>	
4: Ofsted letter to Director of Children's Services	7 - 14
<p>To consider the letter received following a recent Ofsted visit.</p> <p>Contact: Saleem Tariq</p> <hr/>	
5: Proposals for changes to support and transport for disabled children	15 - 40
<p>Members of the Committee will consider a Cabinet report relating to changes to support for disabled children.</p> <p>Contact: Jo-Anne Sanders</p> <hr/>	

6: Proposals for changes to Home to School Transport Policy for children attending mainstream school

41 - 54

Members of the Committee will consider a Cabinet report relating to changes to home to school transport.

Contact: Joanne Bartholomew

7: Children's Scrutiny Panel work programme

The members of the committee will consider the updated work programme.

Contact: Yolande Myers

8: Future Meeting

To note that the next meeting of the Panel will be Monday 5th March 2018 at 10:00am in the Council Chamber, Huddersfield Town Hall. The meeting will be webcast.

Contact: Yolande Myers

Contact Officer: Yolande Myers

KIRKLEES COUNCIL

CHILDREN'S SCRUTINY PANEL

Monday 18th December 2017

Present: Councillor Cahal Burke (Chair)
Councillor Donna Bellamy
Councillor Amanda Pinnock

Apologies: Councillor Paul Kane
Councillor Robert Light
Dale O'Neill (Co-Optee)

Co-optees Fatima Khan-Shah

Observers: Sheila Lock, Kirklees Safeguarding Children Board Chair

1 Membership of the Committee

Apologies for absence were received from Cllr Paul Kane, Cllr Robert Light and Dale O'Neill.

2 Minutes of the Previous Meeting

The minutes of the meeting on Monday 6 November 2017 were approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

It was agreed that all items would be considered in public.

5 Visit to Drop in Centre - Old Registry Office

The members of the committee visited the drop in centre at the Old Registrars building.

RESOLVED – The visit was undertaken.

6 Kirklees Safeguarding Children's Board

The members of the Panel were provided with a presentation from Sheila Lock, Chair of the Kirklees Safeguarding Children's Board (KSCB). Following a question from the Panel around her background and experience in children's services, Ms Lock informed the Panel that she had begun her working life as a social worker and had worked her way up through the system to have become a director in children services in five different local authorities, with the last three authorities being on improvement journeys. Ms Lock explained that she had been a chief executive of a local authority and so understood the corporate world. She informed the Panel that

Children's Scrutiny Panel - 18 December 2017

she held the safeguarding chairs role in two other authorities in London. Ms Lock told the Panel that she felt passionately that she could assist Kirklees in getting things right throughout the improvement work.

Ms Lock explained that the role of the KSCB was as an independent body to hold partners to account. Ms Lock explained that the annual report was somewhat difficult to write as she was not in post during the time the report referred to. Ms Lock explained that she had joined the board during a time of great change, especially given the recent changes to the Care Act.

Ms Lock explained that it was no surprise that the outcome of the Ofsted inspection resulted in KSCB receiving 'Requires Improvement', as there was insufficient evidence around the board's independent role and the holding of partners to account. It was evident that the board was not as robust as it should have been.

Ms Lock informed the Panel that there had been a significant increase in demand with a 39% increase in access at the 'front door'. Some progress had been made but the ability to evidence that was not as strong as it might be. One of the most important roles currently was to ensure that Early Help was effective to ensure that children don't enter the safeguarding system.

MS Lock advised the Panel that there needed to be a whole system approach around:-

- Keeping children safe
- Making sure children had access to services
- Effective partnership

The Panel asked whether there was disconnect between new operational issues and the fact that situations were expected to be monitored by schools. Ms Lock explained that schools had a unique role within the community and were often trusted by families. However, she informed the Panel that often head teachers were holding on to situations without knowing the support that could be drawn upon. Ms Lock told the Panel that there was a good strategy in place, but as yet the early support in the hubs was not as successful as it should be. Following two recent engagement events with head teachers, all felt confident that the new strategy would enable schools to feel more supported.

Panel members asked how support would be given to the schools that were not part of the hubs, and it had been reported that schools often feel pressurised to close files. Ms Lock explained that there would be a period where the system was unclear however a lot of the difficulties would be resolved once the front door policy, which was recently changed, became embedded. The new front door policy ensured that schools had access to a social worker who they could speak to over the phone. This was much more preferable than e-mail, given head teachers could articulate their concerns more effectively by dialogue with social workers.

The Panel were pleased to see more effective challenge, but asked how more challenge could be undertaken. Ms Lock informed the Panel that it would take a

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while to practice effective challenge however KSCB could now demonstrate evidence of challenge.

The Panel heard evidence from Ms Lock around missing children. Out of 310 missing episodes 230 of them were down to 16 children going missing repeatedly. Ms Lock explained that housing children who were in care was a national challenge. Kirklees had a number of private homes with beds available for children in care, and often other authorities would purchase beds from these Kirklees homes. When a child is placed in the Kirklees area, the authority placing the child must inform Kirklees about them, but the placing authority retains responsibility for the child.

The Panel asked Ms Lock what the biggest challenge was for the board and children's services. Ms Lock explained that following the Ofsted inspection, there were initially feelings of shock, denial and confusion with an emphasis on blame. A lot of time had been spent on looking back rather than looking forward. However, Ms Lock reported that there was good adjustment, particularly in relation to the front door policy with staff embracing the new strategies. A more open culture was developing within children's services.

The Panel commented that 39% of referrals were repeat referrals, and questioned Ms Lock on what actions would be taken to address this. Ms Lock explained that Professor David Thorpe was working with Kirklees by completing a front door analysis and the key factors which resulted in the repeat referrals. There needed to be an understanding of why cases re-presented, sometimes this was due to the right services not being put in place. Professor Thorpe would be reporting back every couple of months to see if there appeared to be a delivery system change.

The Panel asked how KSCB could ensure that the voices of young people were heard and that they were engaged. Ms Lock explained that this was critical as young people often reported being consulted but that ultimately nothing ever happened. A group had now been set up to engage young people and would report back to the board in January. Ms Lock was hopeful that the report would identify a positive improvement.

The Panel noted that there was a budget overspend during the last year and asked what the current position was. Ms Lock informed the Panel that the budget would balance this year, and explained that the overspend last year was due to maternity leave and other staffing issues.

The Ofsted review found that KSCB was not as effective as it could have been and the Panel explored the reason for this with Ms Lock. The Panel heard that there wasn't enough challenge and that the board's report was just telling a story, rather than evidencing challenge. Ms Lock explained that the board had been restructured, with a lot of the sub-groups stripped out to make a simpler structure. There was a business group of key partners to inject some pace and implement change. Ms Lock reported that this had seen a dramatic improvement, and the KSCB had been commended at a recent meeting of the Improvement Board. Although there was still work to do, the board was working much better, and Ms Lock encouraged members of the Panel to attend one of the board meetings.

Children's Scrutiny Panel - 18 December 2017

RESOLVED –

- (1) That Sheila Lock, Chair of the Kirklees Safeguarding Children's Board be thanked for attending.
- (2) That the information relating to the KSCB be noted.
- (3) That members of the Panel visit a KSCB board meeting.
- (4) That Sheila Lock be invited to return, so the scrutiny panel can be assured that the Board continues to be effective and accountable.

7 **Children's Scrutiny Panel Work Programme**

The members of the panel considered the work programme for the Children's Scrutiny panel.

RESOLVED – That the updated work programme be noted.

8 **Future Meeting**

RESOLVED –

- (1) To note that the next meeting of the Committee will be on Monday 29th January 2018 at 10:00am in the Council Chamber, Huddersfield Town Hall.
- (2) That the next meeting focus on School Transport, Ofsted and Partnership updates and Q2 performance information.

KIRKLEES COUNCIL			
COUNCIL/CABINET/COMMITTEE MEETINGS ETC			
DECLARATION OF INTERESTS			
Childrens Scrutiny Panel			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Name of meeting: Children's Scrutiny Panel
Date: 29th January 2018
Title of report: Ofsted Update

Purpose of report

To update members of the Panel on the letter received from Ofsted following their visit to Children's Services on 8 & 9 October 2018

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable .
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance IT and Transactional Services? Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft 19.01.2018
Cabinet portfolio	Children

Electoral wards affected: all

Ward councillors consulted: not applicable

Public or private: Public

1. **Summary**

Kirklees Council received a letter (Appendix A) which summarises the findings of the monitoring visit to Kirklees children's services on 8 and 9 October 2017. The visit was the third monitoring visit since the local authority was judged inadequate for services for children in need of help and protection and children looked after in October 2016.

2. **Information required to take a decision**

2.1 The letter provides an update on progress since the previous visits made by Ofsted Inspectors.

2.2 The letter acknowledges the Partnership arrangement with Leeds City Council and the appointment of Steve Walker as Director of Children's Services.

2.3 The Ofsted inspectors found the pace of change in Kirklees was too slow, and widespread and serious failures remained in the first response to children in need of help and protection. Inspectors identified a deterioration in the management of risk to vulnerable children and in the quality of decision-making and assessment.

3. **Implications for the Council**

3.1 **Improving Outcomes for Children**

There is an appropriately focused overarching improvement plan, however more work needs to be done to improve the outcomes for children.

4. **Consultees and their opinions**

N/A

5. **Next steps**

The Scrutiny Panel consider and comment on the report and continue to seek assurances that the Local Authority are progressing at pace with the Improvement Plan.

6. **Officer recommendations and reasons**

Subject to the agreement of the Scrutiny Panel, and in line with the work programme, and concerns outlined in the Ofsted letter, consider visits to:-

- Multi-Agency Safeguarding Hub
- Children's home
- Social work staff
- Head teacher / governors forum

7. **Cabinet portfolio holder's recommendations**

N/A

8. **Contact officer**

Yolande Myers: Governance and Democratic Engagement Officer 01484 221000

9. **Background Papers and History of Decisions**

N/A

10. **Service Director responsible**

Julie Muscroft: Service Director, Legal Governance and Commissioning

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8 December 2017

Mr Steve Walker
Interim Director of Children's Services
Kirklees Council
Civic Centre 3
Huddersfield
HD1 2YZ

Dear Mr Walker

Monitoring visit of Kirklees children's services

This letter summarises the findings of the monitoring visit to Kirklees children's services on 8 and 9 October 2017. The visit was the third monitoring visit since the local authority was judged inadequate for services for children in need of help and protection and children looked after in October 2016. This visit was carried out by Rachel Holden, Her Majesty's Inspector, and Cath McEvoy, Ofsted Inspector.

Areas covered by the visit

During the course of this visit, inspectors reviewed the progress made in help and protection. In particular, inspectors focused on:

- initial responses to children in need of help and protection
- assessment of risk within the initial response
- management decision-making, oversight and supervision
- information sharing and the multi-agency response to risk
- application of thresholds
- children being seen by a social worker and seen alone. Their experiences are considered when making assessments of risk.

A range of evidence was considered during the visit, including the tracking and sampling of electronic case records, supervision files, observation of social workers, and performance information provided by staff and managers. In addition, inspectors spoke to parents and a range of staff, including managers and other practitioners.

Overview

Since the previous monitoring visit in June, the director of children's services of a neighbouring authority has been appointed by Kirklees council as director of children's services in addition to his existing role. This is part of an agreement between the two local authorities to establish a formal partnership arrangement for a period of two years, with leadership, management, capacity and expertise being provided to support improvement in Kirklees.

The focus of this visit was agreed with the director of children's services, six weeks prior to fieldwork, as an area in which it was hoped that progress could be demonstrated, as plans were already being actioned in the Multi-Agency Safeguarding Hub, which was identified as ineffective in the inspection in 2016. However, the action taken during this time has not led to the improvements anticipated, and children are being left in situations of unacceptable and unassessed risk.

The pace of change in Kirklees is too slow, and widespread and serious failures remain in the first response to children in need of help and protection. Inspectors identified a deterioration in the management of risk to vulnerable children and in the quality of decision-making and assessment.

Findings and evaluation of progress

Over the last four months, experienced senior managers from a neighbouring local authority have been supporting managers and staff in Kirklees to improve services for children, working in the last two months alongside managers to coach, mentor and implement safer working practices at the 'front door'. Inspectors found that opportunities to strengthen decision-making at the 'front door' at an earlier stage have been missed. Actions taken have not led to evidence of improved management of risk or effective challenge to the drift and delay for children in the vast majority of cases seen.

Recent activity in the duty and advice team has included an external review of process commissioned by Kirklees Safeguarding Children's Board, followed by training of partners to help them to better understand thresholds and their role in supporting children and families. Changes to process are assisting the flow and volume of work. Data is now being more effectively used, for example to demonstrate whether compliance is achieved in meeting statutory requirements. Increased focus has been given to engaging staff and providing better support in order to create the right conditions for social work to flourish. However, these changes are too recent to have made a difference to the services that children and families are receiving.

Thresholds are not well understood by partner agencies. The level of contacts made by other agencies to children's social care remains high, and many of these contacts do not meet the threshold for statutory intervention.

In the majority of cases seen, managers' application of the thresholds is inconsistent and inappropriate. There has been a recent focus on reducing the numbers of contacts to children's social care and, while this has been achieved in data terms, it has led in a number of cases of children not receiving a social work response that meets their needs. The 'step in' team, established by a previous interim manager prior to the monitoring visit, and which is an early help team offering support to families, is being inappropriately deployed in some cases when the presenting issues require social work assessment and intervention. Senior managers are aware of this, but have not taken action to address it.

Immediate risk to children is not always recognised and responded to in a timely way. Drift and delay in responding to children were evident in the majority of cases sampled. A high number of cases seen by inspectors were referred back to the local authority for immediate action to ensure that children were safeguarded. The remedial action taken in one case, following inspectors raising serious concerns about safety planning, did not reduce the risk of significant harm to children. Decision-making, risk assessment and the resulting actions are not ensuring children's safety.

Focused engagement with partners about their role in strategy meetings has recently increased multi-agency attendance, and this is leading to increased information sharing and more effective analysis and identification of risk. However, when decisions are made to undertake section 47 investigations, there are delays in action being taken to safeguard children, and children are not being seen quickly enough.

There is an appropriately focused overarching improvement plan and work is underway to reduce the level of caseloads, which are still high in the assessment teams. Improvements to the 'front door' are expected to help with this, but to date there is no discernible impact.

The quality of the majority of assessments seen is poor. A focus to ensure that assessments comply with the timescales of presenting risk has resulted in a reduction in their quality. Staff also report that, in an effort to meet deadlines, quality is being compromised. Historical information is not always recorded or considered, and key information is often absent. The impact of identity and diversity is not addressed in the majority of cases.

When children are seen, they are seen alone by social workers, and the child's voice is clearly recorded in most cases. However, the impact of the child's voice is not always widely assessed or evident in safety planning. There is insufficient attention given to individual children's needs. For example, in the case of brothers and sisters, information is sometimes duplicated for each child and the majority of assessments lack analysis of children's lived experience.

Better staff engagement by the new senior leadership team is beginning to improve both support to the frontline and staff morale, but it is too soon to evaluate its

impact on social work practice. The recruitment and retention of experienced staff are an appropriate priority for the local authority, but workforce stability remains fragile.

Social workers do not always benefit from high-quality, reflective supervision. Individual supervision has not been taking place in some of the teams in the duty and advice service and, in other service areas supervision is not regular and has not been effective in improving the quality of social work practice.

A copy of this letter will be sent to the Department for Education and published on the Ofsted website.

Yours sincerely

Rachel Holden
Her Majesty's Inspector

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Name of meeting: Cabinet

Date: 23 January 2018

Title of report: Proposals for changes to support and transport for disabled children, adults and older people.

Purpose of report: To update Cabinet on the results of the consultation with service users and the wider public on potential changes to a number of services affecting children and adults with disabilities and their carers. To seek approval for proposals for changes to a number of these services, following the consultation.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes Will have an impact on all wards Will save/spend in excess of £250k
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Yes 20 December 2017
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by Strategic Director & name	Richard Parry – 10 January 2018
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Debbie Hogg – 15 January 2018
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft – 15 January 2018
Cabinet member portfolio	Cllr Viv Kendrick Cllr Cathy Scott

Electoral wards affected: All wards

Ward councillors consulted: N/A

Public or private: Public

1. Summary

In August 2017 Cabinet approved a public consultation in the following areas;

- Access fund
- Home to School transport for those with SEN and/or disabled children
- Social Care transport for disabled children, working age adults and older people
- Short breaks for disabled children

This report provides information about the outcomes of the consultation in relation to the above.

This report also seeks approval for policy changes and the implementation of new approaches under existing policies.

The consultation also included home to school transport for non SEND provision. The proposals for non SEND children is dealt with in a separate report on this agenda. The decision to develop separate proposals was taken for a number of reasons;

- There is little cross over between the people affected by the two sets of proposals
- The proposals need to be tailored and designed around the needs of different populations

The proposals were set within the context of the council overall medium term financial strategy approved in February 2017 and driving value for money in order to provide for other cost pressures within the council.

All proposals outlined in the report have been equality impact assessed in line with the Public Sector Duty and Equality Act 2010. For more information, see section 3 of the report.

2. Information required to take a decision

The Council has agreed a set of shared outcomes;

- Children have the best start in life.
- People in Kirklees are as well as possible for as long as possible.
- People in Kirklees have aspiration and achieve their ambitions through education, training, employment and lifelong learning.
- People in Kirklees live in cohesive communities, feel safe and are safe/protected from harm.
- Kirklees has sustainable economic growth for communities and businesses.
- People in Kirklees experience a high quality, clean, sustainable and green environment.
- People in Kirklees live independently and have control over their lives.

A number of reviews concluded that some services were not as effective or efficient as they might be in achieving outcomes for some children and adults, particularly in maximising the independence of disabled children. It is thought that redesigning services to maximise independence may reduce demand on (some elements of) children's and adults social care. This may assist the financial sustainability of the service. The Council had also agreed a number of savings in the medium term financial plan in relation to areas covered by this

report and changes in here will impact on those savings. There are elements of the proposals in here which will also require investment.

This report ensures that changes following the review, budget proposals and consultations findings are brought together into one plan.

The consultation was carried out between 4 September and 22 October 2017. There was a separate questionnaire for Home to School Transport but both consultations were promoted together as some families could be affected by proposals in each consultation. The questionnaires and the consultation report detailing the findings can be found on the Kirklees Involve website:

www.kirklees.gov.uk/SupportTransportDisability
www.kirklees.gov.uk/SchoolTransportSurvey

2.1 Access Fund

Background and context

From April 2017 councils are legally required to set up a fund (SEND inclusion fund – formerly called the access fund) to fund the additional costs of childcare for disabled children. This fund is used to cover the **additional** costs of providing childcare for children who have an identified special need. Parents pay the cost of childcare to the early years setting. The early years provider can apply to the SEND inclusion fund for any additional costs e.g. additional staffing or adaptations to the building. The fund supports parents maintaining work and children gaining appropriate independence and becoming school ready. The current statutory expectation is 15 hours which rose to 30 hours for parents who work, in September 2017. No additional funding was given for the increase in statutory hours and the fund continues to be under pressure.

The SEND inclusion/Access fund is complex and legislation is changing. Further information related to the Access Fund can be found in Appendix A.

Summary of the outcomes of the statutory consultation

The consultation responses were overwhelmingly against the proposals to restrict the Access Fund by linking it with only statutory hours for child care, with concerns cited across a number of key themes.

These key themes included:

- lack of fairness and equity,
- negative impact upon child development and progress,
- reduced opportunity for children with SEND to be fully included in childcare settings, reduced access to childcare provision,
- added costs later on if not investing at the earliest stage,
- negative impact upon parent/carer ability to take up work,
- parent/carer wellbeing and financial stability as a result of decrease in hours worked or additional costs if working beyond the statutory childcare hours.

Further information on the consultation findings related to the Access Fund can be found in the full consultation report www.kirklees.gov.uk/SupportTransportDisability

2.1.1 Proposals for the Access Fund - a number of different proposed options have been developed for consideration by members, based on the feedback we received during the consultation. See the table below. The preferred option is option 5 because it invests in the independence of children, economic resilience of their parents and provides better outcomes for children and families in the medium and longer term.

Option	Proposal	Benefit	Risks/impact
1	Statutory only provision - limit additional support to a statutory number of hours (15 or 30).	Initial saving to the Council. Meets basic legal requirements.	<ul style="list-style-type: none"> • Potential for a negative impact on the opportunities for those children with SEN and/or disability to enjoy the same opportunities as their non-disabled peers to access local childcare and fulfil their opportunities to be involved in their own communities. (Impact on early intervention and prevention – maximising independence.) • Parents of children with SEN and/or disability are more likely to live in poverty than other families and therefore access to good quality childcare is an essential support. Reducing to statutory only would impact on access to this. • Reducing to statutory hours would mean parents funding the additional costs of childcare themselves. This would be largely unaffordable for many parents therefore having a negative impact on parents' ability to access employment – particularly full time employment. • The potential for legal challenge in regard to disability discrimination
2	Capped budget covering statutory and non-statutory. This would mean the Council setting a budget that is fixed and allocated on a first come first service basis. Once the budget was spent there would be a waiting list.	Controllable budget.	<p>Potential for legal challenge is likely to be greater.</p> <p>Would be inequitable and would not prioritise those with most need.</p> <p>There is also a risk that this wouldn't meet the change in needs of SEND children.</p>
3	Make the access fund available across statutory and none statutory hours (pre school and school aged) but reduce level of additionality all ages i.e. tightening criteria.	Would reduce spend.	Criteria are already relatively tight and this may discriminate against those with higher needs.
4	Develop/create Support Specialist Nurseries.	Specialist resources centred in a smaller number of sites would provide areas of expertise. Some limited savings are possible.	<ul style="list-style-type: none"> • Would not meet legal requirements for parental choice. • Would limit inclusion in local community resources for children with SEN and/or disability. • Would be at odds with the emphasis on children attending mainstream school and potentially set up a pathway into longer term segregated services.
5	Review a range of existing capacity and services to	Brings together a set of related	<ul style="list-style-type: none"> • Project capacity required to undertake this activity.

	<p>develop a model of specialist outreach support as part of the early help offer. (preferred option) This would include</p> <ul style="list-style-type: none"> • Benchmarking of current costs. • Development of a strategic plan to develop an early years outreach team that can proactively build capacity within settings and monitor practice. • Collaboration with neighbouring authorities to establish protocols around allocation of access fund. 	<p>interventions to create a more holistic and effective approach that impacts positively to maximise independence and support improving outcomes for children. This may reduce future dependence on the access fund.</p>	<ul style="list-style-type: none"> • The medium term financial plan requires savings in this area of in excess of £523k. Savings may need to be identified elsewhere and if there are knock on implications these will be reported to Cabinet.
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If option 5 is approved, an immediate piece of work would be to scope in more detail the project and implications.

2.2 Home to School transport for children with Special Educational Needs and/or disability

Background and context

Home to school transport for both mainstream provision and provision for those with SEN and/or disability was part of one consultation exercise. Due to the outcomes of the consultation and the nature of proposals following this, separate reports are being presented on this cabinet agenda.

The current Kirklees Home to School Transport policy, which can be found at <https://www.kirklees.gov.uk/beta/schools/pdf/home-to-school-transport.pdf>, provides a local interpretation of the statutory duties placed on the Council by the relevant Acts. For further information related to this legislation, see appendix B.

Custom and practise within Kirklees has meant a number of deviations from the policy have been introduced over the years which have meant that Kirklees currently go beyond the stated level of provision within its own policy and the national statutory guidance. This has meant that some children who are not eligible as defined by the relevant legislation have been receiving free transport provision.

In recent years the Home to School Transport revenue budget has overspent on average by £1.3m per annum. A budget proposal to reduce this overspend by £600k per annum has proven to be undeliverable.

The current interpretation of the policy has encouraged a default position where by the Council has been providing transport based around a taxi or minibus in many situations beyond what the law requires.

The effect of this is not only on the Councils budget but it also limits the options for independent or supported transport therefore potentially creating a longer term dependence on statutory services and limits future options for employment or alternatives to social care. This is at odds with the councils stated intention to support maximising independence.

The consultation proposed to take the Council back to a statutory only provision based around the definitions of eligible children contained within the relevant legislation. This would enable the Council to set a Home to School Transport revenue budget based on its statutory duties and make transport decisions in an open and transparent way. If decisions to go beyond statutory provision were then subsequently taken, this would be fully evidenced and appropriate budgets identified outside the Home to School Transport budget.

An Independent Travel Training team (ITT) has been part of the Home to School Transport team for the past year. The independent travel trainers work with eligible children that are of compulsory school age and young people who are aged 16 and above with a recognised learning difficulty or disability attending sixth form or college. Those who take part in this scheme, learn to make specific journeys independently, be that a walking route or using public transport. To date the ITT has achieved very positive results, with over 50 children now traveling independently.

Summary of the outcomes of the statutory consultation

There were 543 survey responses, of which 306 (57%) were from a person who either received free home to school transport or had a family member that did – this could have been either non SEN or SEN provision.

29% (160) were from young people with SEN or a disability or a parent/carer with a child with SEN or a disability or a parent/carer with a disability that impacted on them taking their child to school.

The consultation findings go alongside intelligence gathered from other engagement activities with service users and stakeholders. The general outcome of the overall engagement is to move to a more enabling model.

Further information on the consultation findings related to the proposals on Home to School transport can be found in the full consultation reports;

www.kirklees.gov.uk/SupportTransportDisability

www.kirklees.gov.uk/SchoolTransportSurvey

Proposal for Home to School Transport for children with SEN and/or disability - we are seeking member approval on proposals to update and separate out the current Home to School Transport policy into two separate policies;

- mainstream Home to School Transport policy.
- SEN and/or disability specific Home to School Transport policy.

Separately, subject to member approvals of the above, there will be a need to review the post 16 Home to School Transport Policy to ensure that it aligns with the policy for statutory school age children (5-16yrs).

It should be noted that broader changes to the SEND Home to School policy will need to await the outcome of the current review of national statutory guidance by the Department for Education which may change or clarify the duties placed on local authorities.

There will also be a need to consider the impact of any of the proposed policy changes on families whom may be affected by other proposals detailed in this report.

In addition to the above, member approval is also sought on a proposal to create a Travel Assessment Unit that would sit outside the existing Home to School Transport and SENACT

teams, leaving these teams to concentrate on transport logistics and Education Health Care plans respectively. This unit will be effective from September 2018.

It is proposed that a greater emphasis is placed on identifying and training pupils with SEN and/or a disability that may benefit from independent travel training (ITT).

It is acknowledged that the needs of a number of children with SEN and/or a disability may be such that they cannot benefit from ITT in either the short, medium or long term. However, it is likely that a significant number of children with less complex needs could benefit from ITT for all or part of their school life, which would bring an important life skill for these children.

Our current ITT offer happens at high school and due to parental expectations is sometimes difficult to introduce. It is our intention in the New Year to work much more collaboratively with Head Teachers and families on this offer to consider how we extend the age range that we work with.

This new unit would assess the ability of eligible children to take part and benefit from ITT or other methods of travelling to and from school. It would consider whether other measures, potentially non – transport related, could be introduced which would support and benefit the child and/or family, whilst also reducing the reliance on home to school transport if possible. This would be a whole family approach to addressing the statutory duties around home to school transport. An immediate piece of work, subject to approvals, would be to determine the investment required to create this unit and to further clarify the impact.

If successful, more children would potentially be travel trained, which is a skill for life, whilst ensuring that the provision of a taxi / minibus would usually be the last method of transport considered. This would still be available for those children assessed as requiring the provision but it would not be the usual default starting position. This is already reflected in the existing Home to School Transport policy but would be rigorously and consistently assessed before such provision was provided.

Children and families who do not qualify for support may still benefit from an assessment to support them in getting their own child to school. This new arrangement may cause an initial budget pressure as additional resources such as more independent travel trainers and behavioural support workers will be required but the intention is that this will gradually be self-financing due to the savings that could be achieved through greater use of ITT and other transport measures. In effect the council would be investing in children and young peoples' independence rather than creating longer term dependence on statutory and non-statutory services into adulthood.

In summary, a clearer application of the current policy alongside the new Travel Assessment Unit will lead to clarity about the real baseline costs of the statutory Home to School Transport provision.

2.3 Social Care Transport for disabled children, working age adults and older people

Background and context

The provision of transport is only considered in relation to individuals who have been assessed as eligible for services and/or support from Social Care. Social Care is changing and Kirklees Council is developing modern, flexible approaches to adult social care that will support people and their carers to remain independent, enabling them to lead fulfilling lives.

This includes seeking to ensure that as many people live and travel as independently and safely as possible within their own communities. Travel is an important aspect of everyday life which should be achievable, where possible, independently. The benefits of being able to travel independently extend beyond attendance at formal social care services.

The promotion of commonly available transport options needs to be encouraged to promote independence, e.g. public transport, people using their own vehicles, walking and mobilising with the use of aids, either independently or with support and concessionary travel.

A person's assessment and annual review will focus on the 'assets or strengths' of a person and will identify their potential to learn road safety and orientation skills so they can travel safely and independently to and from community activities and arrangements will need to be made to ensure support is provided.

Individuals with disabilities may qualify for a range of schemes or benefits designed to support with travel, these include help with leasing a vehicle (Motability Scheme), parking (Blue Badge Scheme), or offering free or discounted travel on trains and buses. Individuals that are eligible can claim benefits via DLA or PIP if they need help to get around. The current weekly payments are £22 (lower rate) £58 (higher rate). Individuals that are eligible to receive the higher rate can use this benefit to lease a vehicle via the Motability Scheme. Currently over 640,000 people in the UK, use the Motability Scheme.

The provision of transport is subject to a charge under Kirklees Council's Social Care Charging Policy. The current charge for example for transport to Day Services is £1.95, each way, per person, per journey.

This policy may be reviewed from time to time and changes may affect the charge which will be made for the provision of transport. Currently the charges made do not fully reflect the cost of the service provided and is subsidised by the Council. Notification of any changes will be sent to all individuals who receive supported transport.

Summary of the outcomes of the statutory consultation

In response to the question asked in the consultation questionnaire about proposal in the future to look at assessing individuals and their families on a case-by-case basis, so that the council would not necessarily fund transportation if a family is able to make their own arrangements for the transportation themselves; 35% of all respondents felt positive and 48% felt negative about this idea.

Those that were positive about the idea gave reasons including it feeling like a fairer approach and a good compromise given the need to reduce costs. Some felt that the parents should take greater responsibility and that this idea would encourage that, while others noted the change to assessment should ensure that those most in need will receive support.

Those against the proposal noted that individual assessments would increase workloads and therefore costs, or may introduce inconsistencies. Some felt that any reduction in the service was a bad thing, while others were concerned about increased stress and pressure on families to provide transport. Some noted that there may be an impact on time spent with other family members, if more time had to be spent on transportation. Many felt they would be unable to provide transport themselves due to not driving, other commitments or the physical and mental challenges involved in transporting disabled family members. Some commented that their child's social interaction and independence may be compromised if they lost social care transport

Key themes included;

- Potential for greater stress on the family and for the disabled family member.
- Some felt choices would be limited and social interaction may decrease.

Further information on the consultation findings related to the proposals on Social Care transport can be found in the full consultation report www.kirklees.gov.uk/SupportTransportDisability

2.3.1 Proposals for Social Care Transport for disabled children, working age adults and older people - a number of different proposed options have been developed for consideration by members, based on the feedback we received during the consultation. See the table below. The preferred options are a combination of options 3 and 4 because it allows us to take account the whole of an individuals and their family circumstances.

Option	Proposal	Benefit	Risks/issues
1	Retain the status quo.	Will not create disruption for existing service users.	<ul style="list-style-type: none"> • Is not in line with an approach which takes account of what people can do for themselves (“asset based approach”). • Does not support maximising independence and managing demand in social care. • The approach is inconsistent as some people using direct payments use their own assets for transport.
2	Ensure (with immediate effect) that all reasonable means have been explored (including considering) before offering council funded transport. Assess new social care users and reassess existing individuals with a focus on being able to use or fund other means of transport. This includes use of Motability vehicle or funding own transport. See proposed ‘tier factor’ approach on Appendix C.	<ul style="list-style-type: none"> • Encourages independent travel. • In line with proposed changes to the home to school transport policy. • Some savings would be achieved. • Consistent approach for all eligible individuals. 	<ul style="list-style-type: none"> • Limited capacity to undertake this number of reassessments. • Potential for negative financial impact on service users and their families of using mobility element of DLA/PIP. • Potential for negative impact on carers if Motability vehicle is used. • Will increase the need to review or assess carers needs.
3 Preferred option- alongside option 4	As above - with immediate effect for new service users and <u>phased</u> over a longer period of time for <u>existing service users</u> , to coincide with their planned reviews.	As above.	As above – but will have a lesser impact on capacity to undertake reassessments. Possible risk of legal challenge if existing users have benefit over new during transition period
4 Preferred option- alongside option 3 above	Consideration needs to be given to moving to a full cost recovery model and changing the charging approach. Further work is needed as we would need to understand the impact this would have on the maximum financial contributions people make.	Would reduce spend – offset costs.	Potential for negative financial impact on service users and their families.

	This option could be combined with any of the other options outlined above.		
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Impact

All the options outline above, excluding option 1, would have the greatest impact on those attending adults day care. People not eligible for transport may be deterred from attending day care. A holistic assessment of need, would reduce the risk of this impact by taking into account the whole of the family circumstances including assets and need.

2.4 Short breaks for disabled children

Background and context

This consultation forms part of the local authority's duty to annually review the short breaks statement. Currently the 2016/2017 Short Breaks Statement offers a range of breaks including access to community activities (grant funded in 2016/2017 to the tune of £90,000), Integrated Youth Support Services (IYSS), Orchard View and Young People's Activity Team (YPAT).

IYSS has been reviewed and the services they provided have been supported to continue in the voluntary and community sector. YPAT has a zero budget but from consultation earlier this year cabinet made the decision to continue the service for vulnerable children and officer undertakings have been made to develop the service. A number of the operational arrangements have been reviewed to reduce operating costs.

Summary of the outcomes of the statutory consultation

Out of the 267 responses in total, 55 of the respondents utilise short breaks provided via the council or community and voluntary sector.

From the figures and comments collected it is evident that people use a mix of short breaks on offer;

- day-time care at home,
- day-time care elsewhere,
- overnight care at home,
- overnight care elsewhere,
- educational or leisure activities away from home,
- evening or weekend support and/or
- support in the school holidays.

A sizable majority of respondents who use the services said they were extremely useful. 56% of the respondents who use the service said they would rather make a contribution than lose the service they use.

From comments it is evident the families who responded felt they did not always know what services are available to them, as we do not know the respondents eligibility this could have skewed the response. To mitigate this we need to ensure the short breaks statement and eligibility is well publicised amongst the community of interest.

Results from the respondents tells us that the services provided enable families to 'recharge their batteries' and that short breaks are essential to enable carers to maintain employment but some felt that the hours were restricted and transporting a family member with complex needs could also restrict their access to short breaks.

When asked if the short breaks are missing anything respondents comments evidences that they would value more after school and holiday provision. Comments also included the need to be able to plan, for example, certainty over funding and also not having planned nights cancelled because of emergency stays being provided at Orchard View. There is a lack of sufficiency for emergency placements in Kirklees so often when families go into crisis due to extreme behaviours Orchard View is used, this inevitably leads to planned stays being cancelled. As an authority we need to consider sufficiency for emergency placements so that planned respite is not disrupted.

Some respondents also felt that the number of allocated nights short breaks were not enough, we need to ensure families are aware of short break legislation and of the allocation process. One respondent also expressed concern that there was not a good enough spread of schemes available across Kirklees and that transport was an issue.

Further work is needed to look at the support that Community Plus and schools could provide in commissioning voluntary sector short breaks for families and activities for young disabled people.

Further information on the consultation findings related to short breaks can be found in the full consultation report; <http://www.kirklees.gov.uk/SupportTransportDisability>

Proposal for short breaks for disabled children

To comply with guidance we need to refresh the short breaks statement for 2017/2018 ensuring we continue to provide the services that are valued by our community. The proposed way forward of travel is that we need to continue with overnight short breaks, further develop after school services and provision for breaks provided in the community.

We need to work with colleagues in Community Plus to develop a sustainable range of services provided by the voluntary and community sector that will enable young people to achieve positive outcomes whilst giving families a break from their caring role

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

Maximising independence for children, working age adults with disabilities and older people is at the heart of the proposals. By supporting people with travel training and investing in independence in the early years the use of the access fund, the council will not only improve outcomes but reduce dependence on and demand for social care.

3.2 Economic Resilience (ER)

The proposals recognise the vital part that economic resilience plays in the independence of families. The access fund recommended option and the approach to short breaks, invests in families maintaining employment. Where a potential impact on families exists in the recommendation regarding social care and home to school transport a more holistic approach to families and assessment of the needs of carers will be mitigating actions.

3.3 Improving Outcomes for Children

Investing in early years, independent travel training and short breaks in a more holistic and person centred way will have clear benefits to outcomes for children and young people that last into adulthood.

3.4 Reducing demand on services

Ensuring an asset based approach to assessment, while supporting people to be as independent as possible is the best way of reducing demand on services.

3.5 Other (e.g. Legal/Financial or Human Resources)

These proposals are all focussed on helping people be as independent as possible. What is outlined above forms a clear strategy that is aligned with the councils vision and firmly anchored in 7 Kirklees outcomes. The proposals invest in the most vulnerable in society while using the Council's resources in the most effective way.

The Equality Act 2010 creates the Public Sector Equality Duty (PSED).

Under section 149 of the Act

- 1) A public authority must, in the exercise of its functions, have due regard to the need to –
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are –

age;
disability;
gender reassignment;
pregnancy and maternity;
race;
religion or belief;
sex;
sexual orientation.

In order to fulfil the PSED the Council is required to assess the impact of any proposed action on the equality objectives set out above. The way in which the Council approaches this task is to conduct Equality Impact Assessments (EIA).

The Council has therefore carried out Equality Impact Assessments (EIAs) to help it take due regard of its public sector equality duties in relation to these proposals. These can be found in the All Age Disability section of the Council's website using <http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactassessments.asp>.

Key findings of the EIAs are outlined below.

Access fund

The Stage 1 assessment has shown that there will be an overall positive "Impact" and "Risk" score for this area. In particular the assessment demonstrates a positive impact for Age and Disability in terms of the Protected Characteristic Groups; the changes were also deemed to be positive in terms of impact for existing service users and all residents across Kirklees. For all other Protected Characteristic Groups the assessment of impact was neutral.

Home to School transport for those with SEN and/or disabled children

The Stage 1 assessment has shown that there will be a negative “Impact” and a positive “Risk” score for this area. For all Protected Characteristic Groups the assessment of impact was neutral. In particular the assessment demonstrates a negative impact for Age and Disability in terms of the Protected Characteristic Groups.

A Stage 2 assessment has been completed which outlines the results of consultations undertaken and the required actions to be taken forward as a result.

Social Care transport for disabled children, working age adults and older people

The Stage 1 assessment has shown that there will be a neutral “Impact” and a positive “Risk” score for this area. For all Protected Characteristic Groups the assessment of impact was neutral.

A Stage 2 assessment has been completed which outlines the results of consultations undertaken and the required actions to be taken forward as a result.

Short breaks for disabled children

The Stage 1 assessment has shown that there will be a neutral “Impact” and a positive “Risk” score for this area. In particular the assessment demonstrates a positive impact for Disability in terms of the Protected Characteristic Groups; the changes were also deemed to be positive in terms of impact for all residents across Kirklees. For all other Protected Characteristic Groups the assessment of impact was neutral.

4. Consultees and their opinions

A public consultation was undertaken for what was just over a 7 week period, between the 4 September and 22 October 2017. There was a separate questionnaire for Home to School Transport but both consultations were promoted together as some families could be affected by proposals in each consultation. The questionnaires and the consultation report detailing the findings from this consultation can be found on the Kirklees Involve website:

www.kirklees.gov.uk/SchoolTransportSurvey

www.kirklees.gov.uk/SupportTransportDisability

Methodology – A number of consultation methods were used including public drop in sessions, an online questionnaire, hard copy/paper versions of the questionnaire, which included an easy read version.

See appendix D for additional information related to the consultation.

5. Next steps

Subject to decisions made by Cabinet, officers will commence the work required to implement the proposed changes approved.

Immediate work will be required to determine the investment strategy for capacity building in the access fund and the home to school transport.

6. Officer recommendations and reasons

That in relation to the:

6.1 Access fund – members agree option 5 as set out in paragraph 2.1.1 above; Invest in specialist outreach support as part of the early help offer. Work to commence on determining the investment strategy for capacity building in the access fund is carried out. This is because it invests in the independence of children, economic resilience of their parents and provides better outcomes for children and families in the medium and longer term.

6.2 Home to School transport for children with Special Educational Needs and/or disability;

- to update and separate out the current Home to School Transport policy into two separate policies (as recommended in the other report on the agenda relating to non SEN home to school transport) and come back to Cabinet with their proposals on both in due course;
- to review the post 16 Home to School Transport policy and to come back to Cabinet with their proposals in due course this year: and
- commence the work to plan the creation of a separate Travel Assessment Unit as described in this report.

6.3 Social Care transport for disabled children, working age adults and older people – members agree to implement a combination of option 3 and option 4 as set out in the table at paragraph 2.3.1 of this report - Ensure (with immediate effect) that all reasonable means have been explored before offering council funded transport to new service users with eligible social care needs. The adoption of a phased approach to the implementation of this for existing service users. Consideration to be given to working towards a full cost recovery model. That authority to progress this be given to the Strategic Director – Adults to implement this.

6.4 Short breaks for disabled children – to approve the proposed way forwards as set out in the report, so therefore to continue with overnight short breaks, further develop after school services and provision for breaks provided in the community.

7. Cabinet portfolio holder's recommendations

That in relation to the:

7.1 Access fund – option 5 be agreed as set out in the officer recommendations; Invest in specialist outreach support as part of the early help offer. Work to commence on determining the investment strategy for capacity building in the access fund is carried out. This is because it invests in the independence of children, economic resilience of their parents and provides better outcomes for children and families in the medium and longer term.

7.2 Home to School transport for children with Special Educational Needs and/or disability

- to update and separate out the current Home to School Transport policy into two separate policies (as recommended in the other report on the agenda relating to non SEN home to school transport) and come back to Cabinet with their proposals on both in due course;
- to review the post 16 Home to School Transport policy and to come back to Cabinet with their proposals in due course this year: and
- commence the work to explore the creation of a separate Travel Assessment Unit as described in this report.

7.3 Social Care transport for disabled children, working age adults and older people – implement a combination of option 3 and option 4 as set out in paragraph 2.3.1 of the report - Ensure (with immediate effect) that all reasonable means have been explored before offering council funded transport to new service users with eligible social care needs. The adoption of a phased approach to the implementation of this for existing service users. Consideration to be given to working towards a full cost recovery model. That authority to progress this be given to the Strategic Director – Adults to implement this.

7.4 Short breaks for disabled children – to approve the proposed way forwards as set out in the report, so therefore to continue with overnight short breaks, further develop after school services and provision for breaks provided in the community.

8. Contact officers

Sue Richards, Service Director - Integration

Jo-Anne Sanders, Service Director - Learning and Support

Joanne Bartholomew, Service Director - Commercial, Regulatory and Operational Services

9. Background Papers and History of Decisions

Cabinet approval received to undertake a public Consultation about services for children and families, including people with disabilities – approved 22 August 2017

<http://democracy.kirklees.gov.uk/ieListDocuments.aspx?CId=139&MId=5267&Ver=4>

10. Service Directors responsible

Sue Richards, Service Director – Integration

Jo-Anne Sanders, Service Director – Learning and Support

Joanne Bartholomew, Service Director – Commercial, Regulatory and Operational Services

Appendix A – Additional information related to Access Funding

From April 2017 under the governments early years funding consultation response, 'all local authorities are required to establish a SEND Inclusion Fund for 3 & 4 year olds whose parents/carers are taking up their free early entitlement. The purpose of this fund is to support local authorities to work with providers to establish the needs of individual children with SEN. This structure will also support local authorities to undertake their responsibilities to strategically commission SEN services as required under the Children and Families Act 2014'.

In essence, this is the equivalent to Access Fund however the new requirement to extend this to maintained settings means that additional funding will be required in order for the local authority to fulfil its statutory duties.

In addition, the element of Access Fund required for school aged children needs to be considered alongside any increased costs in terms of ensuring accessible childcare for those affected as a result of changes to the provision of short breaks for working parents/carers.

Parliamentary inquiry into childcare for disabled children (2014): Key statistics

- It costs up to 3 times as much to raise a disabled child, as it does to raise a child without disabilities (*Department for work and Pensions (2013) Households Below Average Income; an analysis of income distribution 1994/5-2011/12*)
- Families of disabled children are 2.5 times more likely to have no parent working for more than 16 hours per week. Only 16% of mothers with disabled children work compared to 61% of all mothers. (*EDCM (2006) Between a rock and a hard place*)
- Parent carers reported paying between £12-14 per hour for childcare, whilst others pay up to £20 per hour. This compares to the national average of around £3.50-4.50 per hour (*ECDM and Family Fund (2011) Breaking Down Barriers, Department for Education (2011); Qualitative research into families' experiences and behaviours in the Childcare Affordability Pilots (CAP09): Disabled Children's Pilot; Daycare Trust (2011), Childcare Costs Survey 2010*)

Joseph Rowntree Foundation:

'Once account is taken of the higher costs faced by those who are disabled, half of people living in poverty are either themselves disabled or are living with a disabled person in their household' 'Of those people in poverty, 45% are not in a working family. This 45% is made up of pensioners (12%); families with disabled members (17%); lone parent families (6%); and 11% in other circumstances, such as workless single adults'

Quoted in **Routes Out of Poverty: A research review:**

<http://eprints.whiterose.ac.uk/73260/1/Document.pdf>

'For people of working age, an increase in labour earnings – either for the head of household or partner – was the main event associated with an exit from poverty.' [1991 to 1999] (Jenkins and Rigg, 2001).

'Second-earners can make an important difference in helping households to escape from poverty.' (Jenkins and Rigg, 2001).

Quoted in **Routes Out of Poverty: A research review:**

<http://eprints.whiterose.ac.uk/73260/1/Document.pdf>

Ability to work and play one's part in society has a positive impact upon parent/carer mental health. There is a wide variety of evidence to show that children who live in poverty are exposed to a range of risks that can have a serious impact on their mental health, including debt, poor housing, and low income (*Poor Mental Health: The Links Between Child Poverty and Mental Health Problems. The Children's society, March 2016*)

Appendix B – Additional information related to Home to School Transport

Home to School Transport Legislation

The Education Act 1996 Sections 508B and 508C place a statutory duty on local authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. These provisions apply to home to school travel arrangements and vice versa but do not cover travel between educational institutions during the school day.

Section 508D of the Act places a duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children as defined by Schedule 35B of the Act (which was inserted by Part 6 of the Education and Inspections Act 2006). Eligible children are those categories of children of compulsory school age (5-16) in the authority's area for whom free travel arrangements will be required.

Local authorities are required to:

- Provide free transport for all pupils of compulsory school age (5-16) if their nearest suitable school (which means nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child and any Special Educational Needs (SEN) that the child may have) is beyond two miles (if below the age of 8) or beyond 3 miles (if aged between 8 and 16);
- Make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their Special Educational Needs (SEN) or disability. Eligibility for such children should be assessed on an individual basis to identify their particular transport requirements. Usual transport requirements (e.g. the statutory walking distances) should not be considered when assessing the transport needs of children eligible due to SEN and/or disability;

Appendix C – Additional information related to Home to School Transport

Social Care Transport – Tier factor

Proposed factors to be considered before providing council funded transport to access social care

- A. Person is able to walk or use assisted mobility either independently or with support from family, friends, support worker or volunteer
- B. Person can use public or voluntary transport, either independently or with support
- C. Person is able to be travel trained to access support
- D. Person has a private car, including a car leased through the Motability scheme. NB: Where a person uses their own vehicle or Motability car, no petrol costs or other expenses will be considered.
- E. Person receives the lower or higher rate mobility element of DLA or PIP, they will be required to fully utilise the benefit to support their transport needs to and from community activities.

Appendix D- further information related to the consultation approach/methodology

Who did we talk to?	How?	When?	Method?
Parents/carers of school age children and schools	Article in the Schools as community hubs newsletter	5 Sept 2017	Newsletter
	Information circulated to Schools PSE Network	7 Sept 2017	E-marketing
	Article in the school governors and head teachers newsletter	8 Sept 2017	Newsletter
	Article in HeadsUP! (schools e-newsletter)	21 Sept & 11 Oct 2017	E-marketing
	Letters sent to parents and carers of pupils with special educational needs (approx. 850)	21 Sept 2017	Letters
	Letters sent to parents and carers of bus pass holders (approx. 1500)	21 Sept 2017	Letters
	Letters sent to all school escorts and operators	21 Sept 2017	Letters
	Information presented at the Schools as community hubs leaders network	21 Sept 2017	Meeting
	Posters circulated to the Schools as community hubs network	21 Sept 2017	'Point of sale' and Display advertising
	Article in Nexus News	21 Sept 2017	Online
	Letters sent to head teachers	22 Sept 2017	Letters
	Drop in session at Royds Hall Community Schools	22 Sept 2017	Drop in Sessions at Mainstream Schools with specialist provision
	Information circulated on the Schools as community hubs twitter	Sept 2017	Social Media
	Information included in the schools admissions guide for parents (primary and secondary)	Sept 2017	Parent guide
	Drop in session at Newsome High School	3 Oct 2017	Drop in Sessions at Mainstream Schools with specialist provision
	Drop in session at Southgate School	11 Oct 2017	Drop in sessions at Special Schools
	Drop in session at Woodley School	12 Oct 2017	Drop in sessions at Special Schools
	Drop in session at Fairfield School	13 Oct 2017	Drop in sessions at Special Schools
	Drop in session at Joseph Norton Academy	17 Oct 2017	Drop in sessions at Special Schools

Parents/carers of school age children and schools	Drop in session at Honley High School	19 Oct 2017	Drop in Sessions at Mainstream Schools with specialist provision
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Who did we talk to?	How?	When?	Method?
Parents/carers of children and young people with a disability and provider services (early years)	Information emailed to EYSENCoNet members	5 Sept 2017	Email
	Information emailed to SENACT members	5 Sept 2017	Email
	Information emailed to the Pre-school Learning Alliance (PLA) network	5 Sept 2017	Email
	Information emailed to National Day Nurseries Association (NDNA) Chair and NDNA providers	5 Sept 2017	Email
	Information emailed to all childminders within Kirklees	5 Sept 2017	Email
	Information emailed to PVI managers network	5 Sept & 22 Sept 2017	Email
	Information emailed to SENCoNet members	6 Sept 2017	Email
	Information included to family information service introductory letter for parents requesting childcare	18 Sept 2017	Letter
	Information posts on Families in Kirklees Facebook	19 Sept 2017	Social Media
	Information included on the Kirklees online childcare search page	19 Sept 2017	Online
	Information and flyer shared with all childcare group settings, including: <ul style="list-style-type: none"> • Day nurseries • Pre-schools and playgroups • Out of school clubs • Childminders 	22 Sept 2017	Email 'Point of sale' and Display advertising
	Letters sent to parents/carers who are supported by the Access Fund	25 Sept 2017	Letter
	Article in the bulletin to all childcare providers	3 Oct 2017	Newsletter
	Information presented at the EYSENCoNet meeting	3 Oct 2017	Meeting
Parents/carers of children and young people with a disability and provider services (early years)	Information presented at the SENCoNet professional network meeting	17 Oct 2017	Meeting

Who did we talk to?	How?	When?	Method?
Children, young people and adults with a disability, their parents/carers and provider services (social care)	Information emailed to carers services, including: <ul style="list-style-type: none"> • Carers Count • St Anne's • Making Space • Kirkwood Hospice • Looking After Me • Care Navigation (Carers Workers) • Learning Disability Voice • Support to Recovery • South West Yorkshire Primary Foundation Trust (SWYPFT) 	5 Sept 2017	Email
	Information emailed to the Carers Strategy Groups	5 Sept 2017	Email
	Information emailed to the Blind and Low Vision Group	5 Sept 2017	Email
	Information emailed to the Deaf and Hard of Hearing Group	5 Sept 2017	Email
	Information shared with contracted providers of older peoples (OP) services	5 Sept 2017 & 27 Sept 2017	Email
	Information shared with contracted providers of learning disability (LD) and physical disability (PD) services	5 Sept 2017 & 27 Sept 2017	Email
	Letters sent to parents/carers who access inhouse AAD provider services	8 Sept 2017	Letter
	Information shared with the Howlands Centre	11 Sept 2017	Email
	Information shared with the MS Society	11 Sept 2017	Email
	Information shared with Carers Count	11 Sept 2017	Email
	Information presented at the LD Partnership Board Carers Sub Group	12 Sept 2017	Meeting
Children, young people and adults with a disability, their parents/carers and provider services (social care)	Targeted drop in sessions run by Parents of Children with Additional Needs (PCAN) in Huddersfield	12 Sept, 6 Oct & 16 Oct 2017	Drop in
	Easy read questionnaires were circulated to inhouse AAD provider services	14 Sept 2017	Email

	Information emailed to parents/carers included on the Additional Needs Register (who opted for contact via email)	14 Sept 2017	Email
	Information shared with contracted providers of generic adult social care services	21 Sept 2017	Email
	Information emailed to individuals who have expressed an interest in being contacted with regards to wellbeing consultations	22 Sept 2017	Email
	Update provided at LD Partnership Board meeting	25 Sept 2017	Meeting
	Information presented at the LD Partnership Board	25 Sept 2017	Meeting
	Targeted drop in sessions run by Parents of Children with Additional Needs (PCAN) in Dewsbury	26 Sept & 17 Oct 2017	Drop in
	Information shared with contracted providers of mental health (MH) services	27 Sept 2017	Email
	Information shared with commissioners of children's AAD services	27 Sept & 2 Oct 2017	Email
	Information emailed to KIN/ Cloverleaf Advocacy	28 Sept 2017	Email
	Flyers sent to the Milen Centre	29 Sept 2017	'Point of sale' and Display advertising
	Information emailed to Shared Lives carers	Sept 2017	Email
	Information emailed out to Partnership Boards (OP, MH, LD, PD) members (adults)	Sept 2017	Email
	Information promoted by PCAN on their Facebook page	Sept 2017	Social Media
Children, young people and adults with a disability, their parents/carers and provider services (social care)	<p>Information shared with disabled children's charitable groups, including:</p> <ul style="list-style-type: none"> • Huddersfield Down Syndrome Support Group (HDSSG) • Huddersfield Support Group for Autism (HSGA) • The whole autism family • Kirklees deaf children's society • North Kirklees autism support group • Action for Blind People 	2 Oct 2017	Email

	Letters sent to all direct payments users (children's and adults)	2 Oct 2017	Letter
	Information shared with contracted providers of children's short breaks	2 Oct-6 Oct 2017	Email
	Flyers sent to Age UK	2 Oct 2017	'Point of sale' and Display advertising
	Flyers sent to Action for Blind People	4 Oct 2017	'Point of sale' and Display advertising
	Questionnaires sent out to Shabang	5 Oct 2017	Questionnaires
	Targeted drop in session run by Parents of Children with Additional Needs (PCAN) in Mirfield	9 Oct 2017	Drop in
	Information presented at the Blind and Low Vision Group	10 Oct 2017	Meeting
	Information shared with community short breaks providers	Oct 2017	Email
	Involvement sessions held with disabled children and young people at: <ul style="list-style-type: none"> • Sports Work • Rising Stars 	Oct 2017	Young people involvement
Who did we talk to?	How?	When?	Method?
Members of the public	Public Cabinet Meeting	22 Aug 2017	Meeting
	Details of the consultations available on Involve (the council's online consultation and engagement system)	4 Sept 2017	Online
	Article online on Kirklees Together	8 Sept 2017	Online
	Press release & news stories in Huddersfield Examiner	9 Sept, 16 Oct & 19 Oct 2017	Press
	Drop in session at Dewsbury Customer Service Centre	20 Sept 2017	Drop in
	Drop in session at Huddersfield Customer Service Centre	21 Sept 2017	Drop in
	Drop in session at Huddersfield Town Hall	26 Sept 2017	Drop in
	Drop in session at Dewsbury Town Hall	28 Sept 2017	Drop in
	Information posted on Facebook	Sept-Oct 2017	Social Media
	Information posted on Twitter	Sept-Oct 2017	Social Media
	Information shared on Media Screens in Customer Service	Sept-Oct 2017	'Point of sale' and Display advertising

	Centres		
	Flyers available in Customer Service Centres	Sept-Oct 2017	'Point of sale' and Display advertising
	Flyers available in Libraries	Sept-Oct 2017	'Point of sale' and Display advertising
	North Kirklees targeted posted on Facebook	Oct 2017	Social Media
Who did we talk to?	How?	When?	Method?
Council staff and networks	FAQ information shared with managers across adult social care, all age disability services, customer service units, customer service centres, early intervention and prevention	8 Sept 2017	Email
	FAQ information shared with inhouse AAD provider services	8 Sept 2017	Email
	Information shared with Faith and Community Integration network	11 Sept & 17 Oct 2017	Email
	Information shared with Area and Neighbourhood Action Co-ordinators	19 Sept 2017	Email
	Information presented at Huddersfield Customer Services Centre Team	21 Sept 2017	Meeting
	Regular Head of Service update to all age disability staff	Sept 2017	Email
	Information shared with managers across adult social care and all age disability services	Sept 2017	Email
	Information and flyers shared with managers in community plus and early help	29 Sept 2017	Email 'Point of sale' and Display advertising
	Information shared with targeted youth support staff	Oct 2017	Email
	Information shared with Kirklees Youth Councillors (approx. 76)	Oct 2017	Email

Who did we talk to?	How?	When?	Method?
Councillors	Regular updates presented at Portfolio Holders Briefings	Sept-Oct 2017	Meeting
	Information regarding and invited to the drop in sessions	14 Sept 2017	Email
	Information shared on the online blog available for all councillors	14 Sept 2017	Online
	Information shared with Parish Councils	12 Oct 2017	Email

Who did we talk to?	How?	When?	Method?
Other partners, community groups and charities	Information and flyer shared with Healthwatch networks	4 Sept & 4 Oct 2017	Email 'Point of sale' and Display advertising
	Information shared with Kirklees College	5 Sept 2017	Email
	Information emailed to C&K Careers	5 Sept 2017	Email
	Article in the Volunteering Kirklees Newsletter	5 Sept 2017	Newsletter
	Article in the Third Sector Leaders newsletter	5 Sept 2017	Newsletter
	Information shared with Home Start	5 Sept 2017	Email
	Information shared with Health colleagues	5 Sept, 2 Oct & 10 Oct 2017	Email
	Information presented at the Health Champions Meeting	21 Sept 2017	Meeting
	Article in the Getting Involved e-newsletter	17 Oct 2017	Newsletter

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Name of meeting: Cabinet
Date: 23rd January 2018
Title of report: Proposals for changes to Home to School transport policy for children attending mainstream school.

Purpose of report:

To update Cabinet on the results of the consultation with service users and the wider public on potential changes to a number of services affecting children attending mainstream schools and, following the consultation, to seek approval for proposals for changes to Home to School transport for eligible children attending mainstream schools.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes – the proposals in this report would have a significant effect across Kirklees and result in significant financial savings.
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Key Decision – Yes Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Director</u> & name	Steve Walker (Jo-Anne Sanders) – Director for Children’s Services – 15 January 2018 Naz Parkar (Joanne Bartholomew) – Director for Economy and Infrastructure – 15 January 2018
Is it also signed off by the Assistant Service Director for Financial Management, IT, Risk and Performance?	Debbie Hogg – 15 January 2018
Is it also signed off by the Assistant Service Director (Legal Governance and Commissioning)?	Julie Muscroft – 15 January 2018
Cabinet member portfolio	Cllr Masood Ahmed – Children’s Cllr Viv Kendrick - Adults Cllr Graham Turner – Corporate

Electoral wards affected: All
Ward councillors consulted: All
Public or private: Public

1. Summary

On 22nd August 2017 Cabinet approved a proposal to run simultaneous consultation exercises on four service areas so that residents and users could have an opportunity to understand and pass comment on the services they receive and any potential changes to those services. The four areas were:

- Access Fund which provides support in the Early Years for children with Special Educational Needs (SEN) and disabilities (Note – not including Portage or Childcare Inclusion);
- Home to School Transport – the policy and approach for Home to School Transport for compulsory school aged children (i.e. 5-16 years);
- Social Care funded transport – the policy and approach to social care funded transport for disabled children, young people, working age adults and older people to access services within their communities;
- Short Breaks offer for children and young people with a disability (as part of the Council's statutory duty to conduct an annual review of its Short Breaks offer).

It should be noted that the Home to School Transport policy covers two elements of provision:

- Home to School transport for eligible pupils of statutory school age (5-16) attending mainstream schools;
- Home to School transport for eligible children with Special Educational Needs or a disability.

This report relates to the provision of Home to School Transport for eligible pupils attending mainstream schools and primarily deals with the issue of eligibility for train / bus passes / boarding cards. The report looks at what we consulted on, outlines the consultation process, analyses the feedback received during the consultation period and makes a number of Officer Recommendations regarding how Home to School Transport for mainstream provision could be amended for consideration by Cabinet.

Provision of Home to School transport for eligible children with Special Educational Needs or a disability will be dealt with as part of the All Age Disability report, which will be considered separately at Cabinet.

2. Information required to take a decision

(a) The Consultation process

The consultation was carried out between 4 September and 22 October 2017. There was a separate questionnaire for Home to School Transport and for All Age Disability though both consultations were promoted together as some families could

be affected by proposals in each consultation. The Home to School Transport questionnaires can be found at www.kirklees.gov.uk/SchoolTransportSurvey

The consultations were widely promoted to the following key groups of people / users:

- Parents / carers of school age children and schools;
- Parents / carers of children and young people with a disability and provider services (early years);
- Children, young people and adults with a disability, their parents / carers and provider services (social care);
- Members of the public;
- Council staff and networks;
- Councillors.

In total, there were 543 responses to the Home to School Transport questionnaire. A detailed analysis of the responses to the consultation can be found at www.kirklees.gov.uk/SchoolTransportSurvey . The online report summarises who responded to the questionnaire, where do they live in Kirklees and what did they say in relation to the questions asked.

Members should note that there was a small difficulty with the printed Home to School Transport questionnaire as, due to an administrative error, there were two less questions compared to the on-line version. However, as the Council only received 28 paper questionnaires this represents just 5% of the total responses received on Home to School Transport and therefore there is only a low to very low risk that this error had any impact on the outcomes of the consultation.

Overall, the consultation revealed that the Home to School Transport arrangements currently provided for eligible children to attend mainstream schools are highly valued by users who receive bus passes / train passes / bus boarding cards and there is only limited support for change, primarily from people who do not use the service. A number of respondents have told us about the negative impact changes would have on them and their families.

Having reflected on the outcomes of the consultation and the challenging financial situation that the Council is facing, Officers' have reached a number of conclusions which are outlined further in this report. As a consequence, a number of recommendations have been made for Members' consideration.

(b) Proposals relating to Home to School transport for compulsory school aged children (i.e. 5-16 years)

Background and context

1) *Relevant Legislation*

The Education Act 1996 Section 508B places a statutory duty on local authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate an eligible child's attendance at school. These provisions apply to home to school travel arrangements and vice versa but do not cover travel between educational institutions during the school day.

Section 508B of the Act places a duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for

eligible children as defined by Schedule 35B of the Act (which was inserted by Part 6 of the Education and Inspections Act 2006). Eligible children are those categories of children of compulsory school age (5-16) in the authority's area for whom free travel arrangements will be required.

Local authorities are required to:

- Provide free transport for all pupils of compulsory school age (5-16) if their nearest suitable school (which means nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child and any Special Educational Needs (SEN) that the child may have) is beyond two miles (if below the age of 8) or beyond 3 miles (if aged between 8 and 16);
- make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their Special Educational Needs (SEN) or disability. Eligibility for such children should be assessed on an individual basis to identify their particular transport requirements. Usual transport requirements (e.g. the statutory walking distances) should not be considered when assessing the transport needs of children eligible due to SEN and/or disability;
- make transport arrangements for all children who cannot reasonably be expected to walk to the nearest suitable school because the nature of the route is deemed unsafe to walk;
- provide free transport where pupils are entitled to free school meals or their parents are in receipt of maximum Working Tax Credit* if:
 - the nearest suitable school is beyond 2 miles (for children over the age of 8 and under 11);
 - the school is between 2 and 6 miles (if aged 11-16 and there are not three or more suitable nearer schools);
 - the school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (aged 11-16).

Note * - From 1st November 2017 Universal Tax Credit has been introduced in Kirklees. Guidance is being sought as to how this impacts on the wording of this clause.

In addition Section 508C provides a discretionary power to make travel arrangements for any other child.

Section 508D requires the Council to have regard to guidance issued by the Secretary of State from time to time; and to publish a home to school transport policy.

Parents are responsible for ensuring that their children attend school regularly. However, section 444(3B) of the Act provides that a parent will have a defence in law against a prosecution by a local authority for their child's non-attendance at school where the local authority has a duty to make travel arrangements in relation to the child under section 508B and has failed to discharge that duty.

(2) Purpose of the consultation

The current Kirklees Home to School Transport policy can be found at <https://www.kirklees.gov.uk/beta/schools/pdf/home-to-school-transport.pdf>.

Custom and practise within Kirklees has meant a number of deviations from the policy have been introduced over the years which have meant that we currently go beyond the stated level of provision within our own policy and the national statutory guidance. This has meant that some children who would not be eligible as defined by the relevant legislation have been receiving free transport provision.

In recent years the Home to School Transport revenue budget has overspent on average by £1.3m per annum. A budget proposal to reduce this overspend by £600K per annum has proven to be undeliverable. This overspend is due to a combination of volumes (and therefore realistically cannot be reduced) and the provision of free transport arrangements that go beyond our statutory duties, though the percentage split between the two has not yet been determined.

The current interpretation of the policy has encouraged a default position where by, in relation to mainstream provision, the Council has been providing a train / bus pass or boarding card in circumstances that go beyond our legal duties.

The consultation proposed to take the Council back to a statutory only provision based around the definitions of eligible children contained within the relevant legislation. This would enable the Council to set a Home to School Transport revenue budget based on its statutory duties. If a decision to go beyond statutory provision was then subsequently taken, this would be fully evidenced and appropriate funds identified outside of the Home to School Transport budget.

(3) Consultations outcomes and impact on proposals

There were 543 survey responses, of which 306 (57%) were from a person who either received free home to school transport or had a family member that did – this could have been either mainstream or SEN provision. Of the 518 valid postcodes logged, the majority (60%) were from the Kirklees Rural District Committee areas, with 22% from Huddersfield, 8% from Batley and Spen and 8% from Dewsbury and Mirfield. By far the largest hotspot of responses was Meltham, with other significant hotspots being Marsden, Holmfirth/New Mill, Honley and Kirkheaton.

51% (276) of all responses were from young people without SEN or a disability or parents / carers of a child without SEN or a disability, whilst 29% (160) were from young people with SEN or a disability or a parent / carer with a child with SEN or a disability or a parent / carer with a disability that impacted on them taking their child to school.

52% (269) of all responses were against the proposal to provide home to school transport arrangements only in accordance with the law, seeing it either as a bad idea (21%) or a very bad idea (31%). 18% (96) were neutral on the proposal and 30% (152) were in favour of the change. This approval rating dropped to just 22% amongst those respondents that had a family member who benefitted from a train or bus pass / boarding card or equivalent funding.

Unsurprisingly, those respondents who do not benefit from the current free service were more likely to support a return to statutory only provision, whilst families that

receive free home to school transport and education professionals were less positive about the proposed change.

Of the respondents who have a family member that currently receives a bus or train pass / boarding card or equivalent funding, 52% felt that the move to a statutory only provision would have a negative impact on them and their family, 43% felt it would have no impact and only 5% supported the proposal as being positive. The number of people indicating that it would have no impact on their family is surprising, though an analysis of the comments supplied with the surveys indicates that a significant number of people assumed that the consultation would not change the current free transport arrangements that they receive, which may not be correct.

With responses excluded from those who do not use the Home to School Transport service, it was found that 69% (219) of users of bus/train passes issued for public transport and boarding cards for contracted buses found the service extremely valuable with nearly 92% (290) overall finding it valuable or better.

Many respondents chose to provide comments to support their responses and an analysis of the comments indicates a number of recurring themes. These can be summarised as follows:

- the impact that the additional cost of paying for school transport (the annual cost of a bus pass is in the region of £310 per annum) would have on monthly household budgets;
- the danger from pupils walking to school instead of getting the bus. Many comments related to narrow rural roads with no paths, children walking long distances and road safety during the dark winter nights;
- the impact on attendance, the mix of pupils in a school if people were restricted to nearest school and the knock on impact on attainment;
- parents would make school choices based on transport considerations rather than educational outcomes for pupils;
- potential environmental impact if pupil transport switched from buses to cars.

As a counterbalance, a number of comments were received which indicated that providing statutory only provision would be sensible when the Council is faced by declining budgets and limited resources.

(4) Officer Mainstream provision proposals

Department for Education statutory guidance and the Kirklees Home to School Transport policy both refer to the concept of a nearest suitable school with places available when deciding whether a child qualifies for free transport arrangements. However, custom and practise within the Council's Customer and Exchequer Service / Home to School Transport team has interpreted this to mean the catchment area school, which is a concept used in the Kirklees Admissions and School Place Planning processes.

This interpretation means that in certain geographical areas, parents have been directed to a school that is not their geographically nearest suitable school – for

example, parents in Kirkheaton are directed to King James's when their actual nearest school is Nether Hall Learning Campus High. In the Meltham area, parents have been directed to Honley High, when often the nearest geographical school is Colne Valley High.

In addition, in the Meltham area parents have been provided with a bus pass regardless of whether they choose Holmfirth or Honley High, when really under our own custom and practise we should have only provided a pass to the nearest catchment school – so, for example, if the nearest school was Honley High but a parent subsequently chose Holmfirth High then we had no requirement to provide a free bus pass but we usually did, when the distance to both schools met the qualifying distance criteria.

Officers have considered a number of proposals relating to the provision of boarding cards / bus / train passes for mainstream provision as follows:

Proposal 1

No change to the current operation of the mainstream boarding card / bus / train pass provision. i.e. continue with current custom and practise – this would mean that the Council continues to interpret catchment area school as the nearest suitable school and we continue to provide free travel arrangements in geographically unique areas such as Meltham, including to both Honley High and Holmfirth High, even where one is not the nearest catchment school.

This policy currently costs £447K per annum and around 1450 pupils benefit overall.

Proposal 2

The Council continues to interpret catchment area school as the nearest suitable school but we only provide a train / bus pass / boarding card to the catchment school with available places that is nearest to the pupils' home. This would mean that the provision of train / bus passes / boarding cards in geographically unique circumstances such as the Honley High / Holmfirth High example illustrated in section 4 and proposal 1 above would change, with assistance only provided to the nearest catchment school. It is estimated that this would involve around 257 pupils losing their current free entitlement, which equates to a saving of around £79K.

This could be phased in for all new applicants for a train / bus pass / boarding card and for applications relating to school transition points (e.g. infant to junior school, first to middle school etc.) or a change of address from September 2019 (which is the first academic year that this change can be phased in from) and would primarily affect schools such as Honley High, King James's School, Kirkburton Middle and Holmfirth High.

An alternative option would be to apply this to all new applicants and existing pupils in receipt of a train / bus pass / boarding card from September 2019 – this could potentially lead to a significant number of appeals that would be challenging to process for officer and members (who currently form the appeals panel).

Proposal 3

Under this proposal the Council would use the concept of nearest geographical school with places rather than catchment school when considering applications for

boarding cards / bus / train passes i.e. a child would be expected to attend the nearest school to their home, which might not be their catchment school.

If this was applied immediately this would impact on around 371 pupils and particularly affect Meltham (Catchment School – Honley High, nearest geographical school – Colne Valley High) and Kirkheaton (Catchment School – King James’s, nearest geographical school – Nether Hall Learning Campus High).

It would also create operational complications, though these are not insurmountable, within the three tier Middle School system in South Kirklees, particularly in areas such Farnley Tyas, Flockton and Thurstonland and also where there is a two tier primary provision within a reasonable distance. The impact of this proposal will need carefully modelling in relation to the three tier system and clear guidance would need to be provided for parents when choosing the three tier system regarding their eligibility for free Home to School Transport provision.

This would provide a saving of around £114K assuming that pupils stayed at their current school rather than tried to move to their nearest school (assuming that it had places available) but It could have an impact on the pattern of school places in these areas. It may also lead to some of the proposed savings being eroded if the nearest school has an unsafe walking route – this will need to be modelled.

This could be phased in for all new applicants for a train / bus pass / boarding card and for applications relating to school transition points (e.g. infant to junior school, first to middle school etc.) or a change of address from September 2019 (which is the first academic year that this change can be introduced). This would mean that the new system would be phased in over a period of four years.

An alternative option would be to apply it to all new applicants and all existing pupils in receipt of a train / bus pass / boarding card from September 2019 i.e. the new system would apply to everyone from September 2019 and would not be phased in – this could potentially lead to a significant number of appeals that would be challenging to process for officer and members (who form the appeals panel).

Additional proposal (1)

Regardless of the proposal adopted, it may be financially beneficial to move away from a system based on the provision of a train / bus pass / boarding card for a full academic year to a system based on reimbursing parents / carers retrospectively (possibly monthly or termly) for the cost of a train / bus pass for journeys to and from school brought by them for their child / children. Currently, train / bus passes / boarding cards are provided and paid for by the Council upfront with no reference made to the actual usage of the pass / boarding card during the course of the financial year.

An analysis of usage data for 899 school bus / train passes for the period September – November 2017, shows that very few passes were used for the maximum number of potential journeys to and from school during this period. Around 28% of all passes were used less than 50% of the time, with around 44% used for between 50-75% of the time. Clearly this indicates that there may be financial benefits from moving from a system of upfront provision of bus / train passes / boarding cards to a retrospective reimbursement system.

Additional proposal (2)

As part of the Council's drive to promote health and wellbeing, encourage the independence of children and young people and improve the environment, it is proposed that a cycling scheme is introduced that provides a bicycle, helmet and cycling training in lieu of a boarding card / bus / train pass in circumstances where an individual / family decides that this would be the most appropriate provision for their circumstances. The details of this proposal would be worked up if the principle is approved by Members.

(5) Officer Recommendations

It is clear from the consultation that the provision of boarding cards / bus / train passes is highly valued by those in receipt of this service and there has been a significant response from those areas of the district that currently benefit from this provision indicating that they would not wish this level of benefit to change. However, there is a significant financial cost to providing this service, which often goes beyond the Council's statutory requirements.

Given the financial pressures being faced by the Council it is recommended by Officers that **proposal 3** should be adopted as this would take us back to statutory only provision and have the greatest financial impact for the Authority.

Low income families that qualify for Free Schools Meals or maximum Working Tax Credits would not be impacted but families that are above this threshold would be as they would need to budget for the cost of bus or train pass / fares.

This proposal should be adopted as a minimum for all new applicants for a train / bus pass / boarding card and for applications relating to school transition points (e.g. infant to junior school, first to middle school etc.) or a change of address from September 2019.

In addition, it is the Officer recommendation that the proposal is applied to all existing train / bus pass / boarding card holders and all new applicants from September 2019 as this will provide the greatest financial benefit quickest.

It is also recommended that Officers be given authority to investigate the possibility of moving from a system of train / bus pass / boarding card provision upfront to a system based on reimbursement of bus / train pass / boarding card costs to parents / carers retrospectively. Should this prove to be feasible and deliver savings that outweigh the cost of delivery, authority is requested to implement this system from September 2019 onwards.

A further Officer recommendation is that a cycling scheme is set up to provide a bicycle, helmet and safety training in lieu of a boarding card / bus / train pass in circumstances where it is appropriate.

Finally, Members should note that the existing Home to School Transport policy covers both mainstream and SEN provision. The policy relating to SEN provision is currently being reviewed by the Government and is likely to change in the future months.

It is therefore recommended that a separate mainstream policy is drafted based on the decisions made by Members as part of this report and the new policy will be brought forward for Cabinet consideration in Spring 2018.

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

It is not envisaged that there will be an impact on Early Intervention and Prevention.

3.2 Economic Resilience (ER)

Moving to a system based around nearest geographical school could potentially impact on public transport provision if services need to change / increase / reduce depending on the impact on pupil movement in the short, medium and long term. This will need to be modelled and closely monitored with the West Yorkshire Combined Authority.

Some parents who do not qualify for low income assistance may not be able to afford a bus / train pass upfront, particularly if they have more than one school age child, which would impact on their family circumstances and economic wellbeing.

3.3 Improving outcomes for Children

The introduction of a bicycle provision system will potentially have a beneficial impact on the health and wellbeing of the children using the new service. More children may walk to school if attending their nearest geographical school rather than their catchment school.

3.4 Reducing demand of services

If proposal 3 is introduced as recommended, this will have the impact of reducing demand for services as less train / bus passes / boarding cards will be issued, with a resultant financial saving depending on the implementation period. Initially, there would be a spike in officer time as the new system is introduced and bedded down, with the potential for increased appeals for a period after introduction. However, overtime this would decrease as parents / carers became accustomed to the new system.

3.5 Equalities Impact Assessments

The Equality Act 2010 creates the Public Sector Equality Duty (PSED). Under section 149 of the Act:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

In order to fulfil the PSED the Council is required to assess the impact of any proposed action on the equality objectives set out above. The way in which the Council approaches this task is to conduct Equality Impact Assessments (EIA).

The Council has therefore carried out an EIA in relation to mainstream Home to School Transport, which can be found at the PLACE Directorate section of the Council's website using <https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactassessments.asp>, to help it take due regard of its public sector equality duties and to aid Members in their consideration of the proposals and recommendation contained in this report.

The Stage 1 EIA has shown that there will be a negative "Impact" and a positive "Risk" score for the mainstream Home to School Transport proposals. In particular, the assessment demonstrates a negative impact for Age and Disability in terms of the Protected Characteristic Groups; the changes were also deemed to be negative in terms of impact for existing service users and all residents across Kirklees. For all other Protected Characteristic Groups the assessment of impact was neutral.

A Stage 2 EIA has been completed which outlines the results of consultations that have been undertaken covering the following areas:

- Adults with a disability;
- Carers and families of adults with a disability;
- Children and young people with special educational needs or a disability;
- Children and young people of school age;
- Parents of children and young people with special educational needs or a disability;
- Parents of school age children;
- Parents of pre-school age children;
- General public;
- Key partners and agencies.

The Stage 2 EIA highlights actions that will allow service users to shape future provision and access to services. The consultation has informed the proposals and recommendations to be presented to Cabinet on 23 January 2018.

These actions will help to mitigate the identified adverse impacts for particular protected characteristic groups.

4. Consultees and their opinions

Sections 2 and 3 of this report provide details of the consultation process and the feedback received and further details can be found at the links contained within those sections.

5. Next steps

If the recommendations are approved by Members, Officers will begin preparations for introducing the proposals for September 2019, which would include detailed modelling of the financial and practical implications of the new policy.

6. Officer recommendations

Officers propose the following recommendations in relation to the Home to School Transport mainstream provision offer as follows:

- The adoption of **proposal 3** as outlined in this report in relation to mainstream provision i.e. the Council would use the concept of nearest geographical school rather than catchment school when considering applications for boarding cards / bus / train passes thereby returning to a statutory only policy;
- That this proposal should be applied as a minimum to all new applicants for a train / bus pass / boarding card and for applications relating to school transition points (e.g. infant to junior school, first to middle school etc.) or a change of address from September 2019;
- That this proposal should also apply to all existing boarding card / bus / train pass holders from September 2019;
- That the Service Director for Commercial, Regulatory and Operational Services be authorised to investigate the possibility of moving from a system of bus / train pass / boarding card provision upfront to a system based on retrospective reimbursement of the cost of a bus / train pass / boarding card brought by parents / carers for their child / children for journeys to and from school. Should this prove to be feasible and deliver savings that outweigh the cost of delivery, authority is requested to implement this system from September 2019 onwards;
- That the Service Director for Commercial, Regulatory and Operational Services be authorised to investigate the feasibility of setting up a cycling scheme that would provide a bicycle, helmet and cycling safety training in lieu of a boarding card / bus / train pass in circumstances where an individual / family decides that this would be the most appropriate provision for their circumstances and delegate authority to the Service Director for Commercial, Regulatory and Operational Services to implement the detail of the scheme;
- That the existing Home to School Transport policy should be split into two separate policies -. One covering mainstream provision and one covering SEN provision;
- A new mainstream transport policy should be prepared and brought back for Member consideration in early 2018.

7. Cabinet portfolio holder's recommendations

It is recommended that this report moves forward to Cabinet for consideration and decision.

8. Contact officer

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9. Background Papers and History of Decisions

This matter was considered at Cabinet on Tuesday 22nd August 2017. Please see
<http://democracy.kirklees.gov.uk/ieListDocuments.aspx?CId=139&MId=5267&Ver=4>

10. Service Directors responsible

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