



**CHILDREN AND YOUNG PEOPLE SCRUTINY  
REVIEW BOARD  
30 January 2023**

# ITEM 05

Report sponsor: Andy Smith, Strategic Director  
for Peoples Services  
Report Author: Gurmail Nizzer., Director of  
Children's Integrated Commissioning

## **Summary of the consultation responses for proposals to consider changes to the way the Council provides discretionary travel assistance for eligible students aged 16- 19 with Special Educational Needs and Disabilities (SEND)**

### **Purpose**

- 1.1 To provide the Children and Young People Scrutiny (CYP) Review Board with information in relation to the recent consultation proposal to consider changes to the way the Council provides discretionary travel assistance for eligible students aged 16-19 with Special Educational Needs and Disabilities (SEND) and presented to the CYP Review Board at its meeting on 17 October 2022 (attached as Appendix 1).
- 1.2 A summary of public consultation events, activities and responses received during the 11-week consultation period from 30 September 2022 to 12 December 2022 will be outlined in a presentation at the meeting.
- 1.3 Members of the Children and Young People Scrutiny Review Board will be invited to ask any questions they may have.

### **Recommendation(s)**

- 2.1 To consider all the information provided in this report, specifically the summary responses received during the consultation period.
- 2.2 To make comments following discussions on the presentation.

### **Reason(s)**

- 3.1 Legislation provides local authorities discretion to determine what transport and financial assistance is necessary to facilitate eligible sixth form learners attendance at their education and/or training setting. Specifically, that local authorities must exercise their discretionary power to provide transport or financial support reasonably, considering all relevant matters.
- 3.2 The overall numbers of children and young people eligible for home to school travel assistance remains forecast to increase over the next two years.

## **Supporting information**

- 4.1 The Council undertook an 11-week public consultation on a proposal which may change the way it offers Post 16 home to school travel assistance, by instead of the Council arranging taxis and minibuses or paying fuel reimbursements, the Council propose to replace them with Personal Travel Budget (PTB) payments for all eligible sixth form learners. The proposal will be supported by a new and enriched Independent Travel Training (ITT) service to help and support more young people become independent travellers. (see Consultation Document attached as Appendix 2)
- 4.2 The Council currently arranges travel assistance for 193 eligible Post 16 learners. .
- 4.3 Where evidence clearly demonstrates that ITT, mileage allowance or a PTB would not be appropriate or feasible due to exceptional circumstances a seat in a taxi or minibus could be offered if, this is the only option to enable an eligible sixth form learner to access their education setting.
- 4.4 The introduction of PTB's is consistent with approaches taken by other Local Authorities.
- 4.5 Outcomes from personalised travel training reach far beyond the bus journey, into lifelong learning opportunities, which include taking care of personal belongings, the ability and confidence to make informed choices. Such life skills are not only of significance to learners' personal feelings of satisfaction, but they are also transferable into adulthood, the workplace and allows even greater social connection.

## **Public/stakeholder engagement**

- 5.1 During the consultation period:
  - 11 of the 13 participation and engagement meetings scheduled were undertaken and facilitated by expert practitioners with young people across accessing settings both within and outside of Derby City.
  - 5 public consultation events were held, 4 at the Council House and 1 at Allestree Woodlands School.

A comprehensive Communications and Media Programme was undertaken consisting of:

- Press releases sent to local media at the beginning and mid-way point
- Through the consultation webpage of the local authority website.
- Regular social media messages for example, Facebook and Twitter
- Articles on the SEND Local offer hosted on the Council's website
- Information disseminated to key stakeholders inclusive of all Derby Schools, all out of area schools and colleges who currently have learners accessing home to school travel assistance.
- All parents/families of children currently accessing travel assistance,
- CYP Scrutiny members,
- All Derby City SENDCO's and via SENDCO networks,
- Youth Alliance, Voluntary sector providers and all families currently registered with SENDIASS.
- The Consultation Document attached as Appendix 2 was also made available as an Easy Read version (attached as Appendix 3)

- 5.2 A wide-ranging Equalities Impact Assessment has been undertaken with young people and their families, partner organisations and stakeholders.

## Other options

- 6.1 None directly arising from this report

## Financial and value for money issues

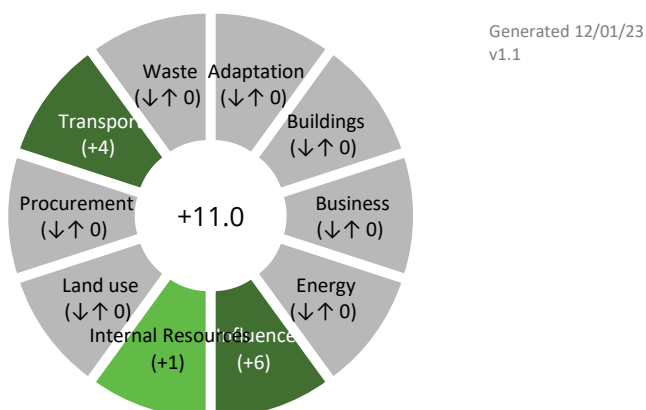
- 7.1 Derby City Council is currently experiencing significant financial challenges, the Medium-Term Financial Plan from 2022/23 to 2024/25 includes £28.437m of new additional costs which means that the Council needs to make £16.767m of savings over the next three years. Unfortunately, this means making difficult decisions about services in all areas of the Council's work, including Home to School Travel.

## Legal implications

- 8.1 The Education Act 1996 places duties on local authorities regarding travel arrangements for children of compulsory school age (5-16 years). The Act also sets out local authorities' responsibilities with regard to transport for 16-19 year olds, giving Council's discretion to determine what transport and financial support is necessary to facilitate attendance for all persons of sixth form age receiving education or training. The sixth form duty also includes those under 25's with an Education, Health and Care Plan (EHCP) who started their course before their 19<sup>th</sup> birthday
- 8.2 Legislation, therefore, gives local authorities' discretion to determine what transport and financial assistance is necessary to facilitate young people's attendance at their education and/or training setting. Specifically, that local authorities must exercise their power to provide transport or financial support reasonably, considering all relevant matters.

## Climate implications

- 9.1 The chart below demonstrates the positive impact if the proposal is approved by Cabinet.



- 9.2 Legislation also included a duty for local authorities to promote and encourage the

use of sustainable travel options such as walking and cycling to travel to and from education providers in and around the City. Where this is not a practical option learners are encouraged to use public transport services, where this is a realistic option for them.




## Other significant implications

- 10.1 Should the Council agree to implement the proposal, there is a risk of legal challenge at Judicial Review.
- 10.2 Comprehensive Legal advice has been provided both prior to the launch, throughout and post the consultation period.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	N/A	
Finance	N/A	
Service Director(s)	Gurmail Nizzer, Director of Children's Integrated Commissioning	20/01/2023
Report sponsor	Andy Smith, Strategic Director for People Services	

Background papers:	None
List of appendices: See below	

Appendix	Title	Document
1	Previous CYP Scrutiny Review Board report	 Final CYP Scrutiny report -Post 16 - 19 H
2	Post 16-19 Home to school travel consultation document	 Home to School Transport.pdf
3	Easy Read version of the consultation document	 Easy read HTST for printing.pdf