

Time commenced – 18.00pm

Time finished – 18:50pm

Extraordinary Children and Young People Scrutiny Review Board 30 January 2023

Present: Councillor Lind (Chair) Councillor Whitby (Vice Chair)
Councillors Bonser, Kus, Pandey, Pattison
Omar Aslam, Youth Mayor
Nicky Fenton, Church of England Co-opted member
In Attendance: Gurmail Nizzer, Director of Children's Integrated Commissioning
Two representatives from SEND Alliance

37/22 Apologies for Absence

There were apologies from Councillor T Pearce, Tracey Churchill, Catholic Diocesan Board and Andy Smith Strategic Director of Peoples Services.

38/22 Late items introduced by the Chair

There were none.

39/22 Declarations of Interest

Cllr Lind confirmed that as a parent of SEND children she did not have any pecuniary or non-pecuniary interests to declare.

40/22 Minutes of the meeting held on 12th December 2022

The minutes of the meeting held on 12th December 2022 were agreed as a correct record.

41/22 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)

The Board considered a report and presentation from the Strategic Director of Peoples Services which was presented by the Director of Children's Integrated Commissioning.

The report and presentation provided the Board with information regarding the consultation proposal to consider changes to the way the Council provides discretionary travel assistance to eligible 6th form students with Special Educational Needs and Disabilities (SEND). A report was presented to the Board at its meeting on 17 October 2022. The consultation was launched on 30th September 2022.

The proposal was that Council arranged taxis and minibuses or paying fuel reimbursement, would be replaced by a Personal Travel Budget for all eligible sixth form learners. A new Independent Travel Training Service would support more young people to become independent travellers. If the proposal was agreed, a new Post 16-19 Transport Policy Statement would be co-produced and published by the Council by 31 March 2023, with possible changes from September 2023.

A summary of the consultation events, activities and responses received during the consultation period were outlined. They included five public events, a public online consultation and eleven young people participation sessions.

The common themes emerging were highlighted and included:

- Definition of exceptional circumstances
- Children being unable to travel independently
- Risk of non-attendance at education
- Personal safety concerns
- The amount proposed would not cover cost of travel
- Increased stress to young people and families
- Parents could have commitments which would prevent them transporting young people
- Independent Travel Training (ITT) would provide opportunities for young people
- A Personal Travel Budget (PTB) would provide greater flexibility

Key Mitigations were detailed and included an enriched Independent Travel Training offer, Communication Strategy, Refreshed Post 16-19 Home to school travel assistance policy statement, online application form, and Partnership Working.

It was explained that DfE statutory guidance outlined that provision of transport by local authorities was discretionary, but they should facilitate attendance.

The next steps were outlined. The Post 16-19 Consultation Outcome Report would be presented to Council Cabinet on 15 February 2023 for consideration. The report will include detailed information on all consultation responses received.

The Board discussed the consultation outcomes and commented.

A councillor asked what could be questioned on the report as the presentation was only on the outcomes of the consultation, there was no decision yet. Another councillor asked if there was a background document as it would be interesting to hear the result of the consultation. It was suggested many parents would be against the changes, could they be phased in? There was fear that children would not continue with education, there was a need to look at responses in detail.

Councillors said there was no definition of exceptional circumstances in the consultation. The officer was unable to comment on the detail of exceptional circumstances but confirmed that the report to Council Cabinet on 15th February

2023 would include an updated Post 16 Home to School Transport Policy which would set out the criteria for exceptional circumstances, these could include; medical conditions or distance to travel. The consultation gives an example of medical needs, DfE statutory guidance highlights mobility. A councillor suggested that reviews for exceptional circumstances should be undertaken by professionals. A councillor stated there would be a £400K saving but queried what percentage of the young people would be in exceptional circumstances.

Councillors stated there was a further Children and Young People Board meeting on 13th February 2023. The Board were currently discussing the Consultation without knowing fully the contents of the later Cabinet report. Another councillor indicated it would be at the Chair's discretion as to whether any recommendations from this Board would be accepted for the Cabinet meeting on the 15th, but if the Board made recommendations at this meeting, then they would be included on the Cabinet Agenda.

A councillor asked what organisations were contacted directly, and if letters were sent to parents and carers. The officer explained that the consultation had been circulated as widely as possible. It was sent to the parents/carers where contact details were available and every school in the city via the Schools Circular. The consultation was co-produced with the SEND Co-production and Delivery Group O group and was discussed in 3 meetings in April, May, and June. It was discussed with the formal SEND Co-production and Delivery Group, the local area SEND Board and was on the Local Offer Website.

The risk of the challenge of a Judicial Review was raised by a councillor. The officer explained that the Council's legal team had been advising on legal process . .

A councillor asked if the Home to School Team would have sufficient resources to deal with any Appeals. It was explained that the council would be bringing in additional resources. Another councillor asked if the council were expecting additional legal cases from the changes and if additional funding would be put in place. The officer clarified the question, "Does the council see Judicial Review as a possibility and has the council budgeted" and explained the council were following due process and allowing sufficient consultation time with the process starting in September 2022 for a possible change for September 2023, and there was no additional funding set aside for a legal challenge.

The Chair had circulated a consultation response earlier to the Board from the Derby SEND Alliance and she had also invited the two representatives to the meeting to contribute to the discussion. The representatives highlighted key concerns from their report. The Board had no questions. The officer commented that all the consultation responses received from organisations were being collated by the DCC Communications Team and would form the basis of the council's response.

A councillor reiterated that if the Board had waited for the full report to come to the CYP Board meeting on the 13th February they would have more information from the full report to make recommendations. Another councillor repeated that they would not be able to get their recommendations on to the Cabinet Agenda as it would be at the Chair's discretion.

The Chair proposed a recommendation to the Board for Cabinet. The recommendation was not seconded or agreed.

The Board considered the information provided in the report, specifically the summary responses received during the consultation period.

42/22 Work Programme and Topic Review

The Board considered a report which allowed the Board to study its Terms of Reference and Remit for the forthcoming Municipal Year. The report set out key work areas, issues, and potential topic review subjects within the service areas, for discussion or inclusion in the work programme.

The Board agreed the work programme set out in appendix 1 to the report

The Board resolved to note the information provided within the report.

MINUTES END.