

APPENDIX C – CEC response to the comments from the public consultation

Proposals	Response	Changes made as a result of consultation
<p>1. Align the eligibility criteria to be the same as Pre 16 for SEND</p>		
<p>To align eligibility to be the same as that applied to Pre 16 learners with an Education and Health Care Plan (EHCP). Cabinet approved the change in the eligibility definition for Pre 16 learners on 13 March 2018.</p> <p>To be eligible, the student, cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety concerns related to their SEN or disability.</p>	<p><u>General Comments</u></p> <p>In accordance with DfE guidelines, children will retain eligibility, as appropriate, on SEND criteria. There is no automatic entitlement to travel assistance for a child or young person who has an Education and Health Care Plan (EHCP).</p> <p>Section 598B of the Education Act 1996 deals with the duty on Local Authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children.</p> <p>The proposed criteria for children and young people with SEND includes two specific travel-related mobility eligibilities, which are:</p> <ul style="list-style-type: none"> a) severely restricted independent mobility; and b) lack of awareness of common danger and age appropriate independence skills. <p>The revised criteria meet the DfE requirements (As per Schedule 35 of The Act, disability is as defined in S.6 of EA 2010: a person has a disability if they have (a) a physical or mental impairment, and (b) that impairment has a substantial a long-term effect on the ability to carry out normal day-to-day activities. Therefore a chronic health condition may lead to eligibility under this definition.)</p> <p><u>Implementation</u></p> <p>This will continue as it is now, with each case being considered on an individual basis. New referrals, or cases where there has been a change in circumstances, will be assessed against the new criteria with effective from 1st September 2018</p>	<p>None – this aligns the eligibility with that of pre-16 learners</p>

<p>2. Independent Travel Training</p> <p>Independent Travel Training for pupils with special educational needs may be made available where the LA deems this appropriate in consultation with parents.</p>	<p><u>General Comments</u> The life skills that this training can deliver to children and young people are considered beneficial both to the individuals and the Council.</p> <p><u>Implementation</u> The Council is in the process of identifying and securing an Independent Travel Training provider. The Council's SEND team are identifying individuals who will benefit from the training and it is expected that 20-30 children and young people per year will receive the training.</p>	<p>None – this is regarded as a beneficial development</p>
<p>3. Applications are made annually</p> <p>Applications for Post 16 travel assistance are made annually and supported by appropriate evidence.</p>	<p><u>General Comments</u> Given that individual circumstances/needs can change this will ensure support is targeted to those in need. Reviews can be aligned with the annual reviews of EHCP plans</p> <p><u>Implementation</u> All applications will be considered on a case-by-case basis based on individual needs</p>	<p>The timescales for review will be changed from annual to bi-annual, or when circumstances change</p>
<p>4. Financial Contribution from Learners/Parents/Carers</p> <p>Learners/parents/carers are expected to contribute to the costs of home to school/college travel incurred by the Council and this contribution will be comparable to the costs incurred by other post 16 learners who are not eligible for assistance</p>	<p><u>General Comments</u> Some post 16 education providers provide transport to their establishment, either through free bus services or by enabling Post 16 learners to access transport available to pre 16 pupils by purchasing a 'spare seat'. The Post 16 Transport Guidance issued by the Department for Education (DfE) in October 2017 states in Section 16.5 that <i>Local authorities may ask learners and their parents for a contribution to transport costs and in exercising their discretion they should:</i></p>	<p>The contribution has been fixed at £450 which is equitable with costs likely to be faced by non-eligible students.</p> <p>Flexible payment terms will allow for reduced</p>

	<ul style="list-style-type: none"> • ensure that any contribution is affordable for learners and their parents; • ensure that there are arrangements in place to support those families on low income; and • take into account the likely duration of learning and ensure that transport policies do not adversely impact particular groups. For example, as young people with special educational needs and disabilities are more likely to remain in education or training longer than their peers, any contribution sought from these families would need to allow for the fact they may have to contribute for longer. <p><u>Implementation</u> The contribution will be implemented from 1 September 2018. It will be a contribution towards the cost of providing travel assistance and will be comparable to the costs incurred by other post 16 learners who are not eligible for assistance and therefore will not disadvantage any group. It will be payable by all 16-19 learners in receipt of home to school travel excluding those in receipt of a Personal Travel Budget agreed through the Education Travel Direct Payments Policy. Flexible payment terms are expected to include termly payments as with the purchase of spare seats on school buses. The amount of £450 is comparable with the cost of a spare seat on a CEC school bus and also commercially available annual bus passes. It will therefore be equitable with the costs likely to be incurred by mainstream pupils.</p>	<p>impact on family budgets</p> <p>Families can request use of bursary to support transport from their school or college dependant on their individual policies.</p>
<p>5. Use of Direct Payment Policy</p>		
<p>A parent/carer/learner can apply for a Personal Travel Budget where the overall cost is less than any alternative means of travel to the nearest suitable publicly funded sixth form school/college. This applies to learners with an EHCP aged 16-18 or those aged 19 who are continuing education started before</p>	<p><u>General Comments</u> The introduction of direct payments as a lower cost option is beneficial for both recipients and the Council. It will only be offered when it is the lowest cost option. As per the policy: <i>It is intended that payments enable families to arrange their student's travel arrangements in a way that suits their personal circumstances best. Parents may choose how they use the payment, which might be to pay for fuel costs incurred in driving their child to</i></p>	<p>The Council has removed the mileage rate from the policy statement and replaced this with the Education Travel Direct Payment Policy which is more</p>

<p>their 19th birthday.</p>	<p><i>school, to pay for public transport, or to support travel arrangements made with family or friends. Alternatively, payments may be used towards childcare for a younger sibling whilst driving the older sibling to school in the family car. These are merely examples; the decision on how best to use the payment will be the parents' and not the Local Authority's, but must be to enable the eligible student to travel to school.</i></p> <p>This is a new policy (Education Travel Payment Policy) that is being introduced from 1st September 2018 although direct payments/personal transport budgets have been used previously as an alternative to providing transport.</p> <p><u>Implementation</u> A Personal Travel Budget may be offered to parent/carers for a child or young person who has an Education, Health Care Plan (EHCP) and is eligible under the revised criteria which is when the student "Cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety concerns related to their SEN or disability".</p> <p>As per the proposed Education Travel Payments Policy): <i>Where there is an entitlement to travel assistance a payment will only be offered to parents if this is more cost effective than the Local Authority providing transport or where there are difficulties for the Local Authority in negotiating a suitable transport contract and there is no available public service route.</i></p> <p>The offer of a Personal Travel Budget does not affect other budgets relating to SEND provision.</p>	<p>flexible. This allows parents more flexibility when considering their transport arrangements (e.g. shared transport)</p>
<p>6. Adult Learners</p>	<p><u>General Comments</u></p>	
<p>Continue to provide free transport to adult learners (aged 19-25) with an EHCP who prove that they need travel support. We cannot offer a financial</p>	<p>As per the proposed Travel policy statement, <i>Adult learners who, are aged between 19 and 25 years of age, maybe entitled to travel assistance from the local authority are those :</i></p>	<p>The proposals have been updated to comply with the latest legal requirements.</p>

<p>contribution for these cases and must arrange and pay for travel, as per legislation.</p>	<ul style="list-style-type: none"> • <i>where the local authority considers it necessary to make travel arrangements to enable them to attend maintained or further education colleges; or</i> • <i>the young person has an EHCP and is attending an institution outside the further or higher education sector and the local authority has secured the provision of that education or training and the provision of boarding accommodation in connection with that education or training.</i> <p><u>Implementation</u> There are circa 34 adult learners during 2017/18 academic year that are in receipt of free home to school travel assistance and this will continue subject to receipt of an application with supporting evidence.</p>	<p>Support will therefore continue</p>
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Themes not covered in the table above	Response	Changes made as a result of consultation
<p>Onus on parents to make travel arrangements and bear additional costs</p>	<p><u>General Comments</u></p> <p>Transport will be arranged and fully funded for adult learners who are eligible. This is a statutory requirement applicable to adult learners.</p> <p>Travel assistance is discretionary for post 16 learners and the Council recognises that young people with SEND who meet the eligibility criteria, i.e. have an assessed need should also receive travel assistance.</p> <p>The application of a parental contribution puts these students and families into an equitable position with other mainstream students</p>	<p>The Council will continue to make travel arrangements for 16-19 year old learners with SEND and an EHCP who are eligible for travel assistance.</p> <p>Where it is agreeable to parents/carers and it is cost effective for the Council to do so, Personal Travel Budgets will be agreed instead of arranging home to school/college travel. The flexibility this offers can have a positive impact on family arrangements</p>
<p>The timescales are too short to implement significant changes i.e. The LA is to publish the Post 16 travel policy statement for 2018/19 by 31 May 2018 for implementation on 1 September 2018</p>	<p><u>General Comments</u></p> <p>The timescales are as per the DfE Post 16 Transport Guidance. Opinion from Post 16 providers from within the borough was sought in November 2017 and a public consultation was held from 14 February to 6 April 2018.</p>	
<p>School transport should be fully funded</p>	<p><u>General Comments</u></p> <p>Transport will be arranged and fully funded for adult learners who are eligible. This is a statutory requirement applicable to adult learners.</p>	<p>Support will continue for young people with SEND who meet the eligibility</p>

	Travel assistance is discretionary for post 16 learners and the Council recognises that young people with SEND who meet the eligibility criteria, i.e. have an assessed need should also receive travel assistance.	criteria The application of a parental contribution puts these students and families into an equitable position with other mainstream students
Inadequacy of local provision	<u>General Comments</u> Developments are underway to increase local provision Where students have a need for specialist provision it is highly likely that their level of need will make them eligible for continuing travel support including when this is out of borough	
Legality of the proposals	<u>General Comments</u> The policy has been updated to comply with latest policy changes.	The proposals have been updated to comply with the latest legal requirements.
Cycling should be more prominently featured	<u>General Comments</u> The Sustainable Modes of Transport Strategy (currently out for public consultation) does include cycling as an opportunity for alternative travel	The statement will be adjusted to feature mention of groups such as Cyclinguk.org.uk