



meeting EDUCATION TRANSPORT POLICY AD HOC SELECT COMMITTEE

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## REPORT OF THE CHAIR OF THE EDUCATION TRANSPORT POLICY AD HOC SELECT COMMITTEE

### **Review of Education Transport Policy – Special Educational Needs and ‘Travelling to School - an Action Plan’**

#### **Purpose of the Report**

1. This report introduces the report from the independent consultant, Derek Owen, on the arrangements that are made for pupils with special educational needs and also a review of possible pilot projects under the national ‘Travelling to Schools’ initiative. The report is attached as an **Appendix** to this report.

#### **Information and Advice**

2. As part of the agreed schedule of business for this Committee, Derek Owen has provided a paper on transport for pupils with special educational needs. This is a significant area of study in its own right and it is suggested that it should be the subject of a separate review. This would possibly be most appropriately undertaken when the national position on home to school transport is clearer.
3. As agreed at the last meeting of this Committee, Derek Owen has investigated three possible areas for pilot projects to be conducted as part of the national review of school transport. Of these, transport in support of the extended school day is recommended as a suitable subject for a pilot project.
4. There is no doubt that transport arrangements aligned with the needs of pupils and schools working with an extended school day would be helpful. However, members of the Committee will need to bear in mind that the Government, at the moment at least, is not proposing to provide any additional funding for pilot projects. There will almost inevitably be resource implications, both in terms of project management and in the direct cost of additional transport.

## **Statutory and Policy Implications**

5. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, Crime and Disorder and those using the service. Where such implications are material, they have been described in the text of the report.

## **RECOMMENDATION**

6. That the issues raised in the consultant's report be considered.

### **COUNCILLOR STELLA SMEDLEY**

Chair of the Education Transport Policy Ad Hoc Select Committee

## **Director of Resources' Financial Comments (DJK 21.11.03)**

The changes highlighted in both the Special Educational Needs and Travelling to School papers are expected to have a significant effect on the cost of transport both for the LEA and Environment who provide mainstream transport. In particular the funding provided by the LEA for trialling alternative methods of home to school transport for the 14 – 19 age group. Ongoing issues will also arise out of the need to provide equivalent transport for pre- and post-16 students. The ability of schools to organise this provision varies considerably.

On the extended school day the proposals would mean any increase in flexible working arrangements would result in the total provision being increased to allow sufficient capacity at all times. In a number of cases the dedicated buses at the start and end of the day provide the only home to school transport. Supplying extra buses or dual passes will raise costs.

There is currently no budget provision for these pilot schemes and confirmation of funding would be required over the life of the project prior to its implementation.

## **Background Papers Available for Inspection**

Nil.

M19C997

# Special Educational Needs Transport

Although not specifically identified by the scoping document that sets out the Committee's terms of reference, it was suggested at an early meeting of the Committee that the transport requirements for pupils/students with special educational needs should be included within the review. Some LEAs publish separate policies dealing with the transport requirements of pupils with special educational needs whilst others deal with them within their mainstream policy document. Not all pupils with special educational needs necessarily have special transport needs and not all pupils with special transport needs necessarily have special educational needs. The mainstream Nottinghamshire policy makes it clear that the admission of pupils with a statement of special educational needs to special schools or mainstream schools is determined by the specialist team within the Education Department. In such a case any associated need for special transport will usually be included in the statement and the LEA then becomes responsible for making the necessary arrangements. Pupils with special educational needs without a statement are dealt with under the mainstream policy. However where a pupil, whether with or without a statement, has a special transport need arrangements will be made and paid for by the Education Department through the Social Services Transport Unit, unlike the provision of mainstream transport where the budget is held by the Environment Department.

There are compelling reasons for reviewing the policy and practice relating to SEN transport needs not least of which is the steadily increasing cost of provision. This is a challenge for all LEAs, and the DfES is presently gathering information with a view to launching a review of this area of provision. Some authorities, such as Norfolk, have already embarked on their own reviews. It is a complex area of provision. The catchment areas of special schools can be extensive depending on demography and the specialist provision in particular schools. Sometimes it is necessary to place a pupil in a special school outside the LEA's area. Both of these factors can have significant transport implications. The implications for post-16 pupils have to be considered in the light of the requirement for LEAs to publish an annual transport policy statement for pupils/students of 6<sup>th</sup> form age.

The recently published '**Travelling to School: an action plan**' exhorts schools to "work with children with special educational needs to prepare them for independent travel wherever possible". It also calls on LEAs and Transport Authorities to "develop *inclusive* policies and practices so that children with statements of special educational need use the same transport as unstatemented children wherever possible".

This report identifies just a few of the issues where SEN transport provision differs from mainstream transport provision. There are numerous others that call for examination. The government is looking for harmonisation of the various strands that make up education transport wherever possible to secure best value and equity of provision. This is a mammoth task and '**Travelling to School: an action plan**' floats some radical ideas that will necessitate changes in primary legislation if they are to be piloted and transformed into policies and practice. These changes would impact significantly on both mainstream and SEN transport. The government is intending to produce a final report in February that will presumably firm up potential pilot projects and the timetable. It is understood from presentations at regional seminars arranged by the DfES that pilot projects are likely to run for 3 years before being evaluated. Substantive changes affecting all LEAs are likely to be at least 5 years away. A report on the SEN data gathering exercise is also expected within the next few months.

**It is clear that an examination of SEN transport requirements, whilst necessary, will be an extensive exercise that cannot be tackled within the present remit and timescale.** The review of the mainstream transport policy within the constraints of the

current legislation is a critical starting point. It serves to restate the LEA's position at a time when education transport, following years of agitation, has again become the focus of national consideration. It is generally accepted that the present statutory framework is outdated and does not always fit neatly with current life-styles or with modern legislation. If the national review that seems about to be launched results in radical changes to the present statutory framework then all LEAs will need to revisit their policies and practices. However as this remains some way off there may be benefit in examining SEN transport needs in the meantime. **It is recommended that a decision on whether or not to conduct a separate review of these needs should be deferred at least until the expected government report(s) has been published as this may give clearer guidance on current government thinking.**

# **Travelling to School**

## **An action plan**

In September 2003 the DfES and DfT published '**Travelling to School: an action plan**'. The thrust of the document was to announce a government initiative to make revenue grants available to LEAs and capital grants available to schools to encourage and expedite the production of school travel plans. The action plan identifies initiatives that should be taken by schools and LEAs to facilitate this. The principle underlying the plan is to reduce the use of cars on the daily school travel run whilst promoting other safe and more environmentally friendly means of travel such as buses, cycling and walking.

The action plan also indicates that the government will be examining the statutory framework for school transport acknowledging that the present framework has been around for a long time with many parents feeling that its operation is now unfair. The action plan suggests a number of possible pilot projects some involving the need to disapply the law. For these pilots to operate it will be necessary to pass legislation allowing the pilot areas to operate in innovative ways outside of the present rules. The DfES is working on a draft bill that should be ready by January 2004, but at the moment no parliamentary slot has been identified. It is understood the DfES is aiming to produce a further report in February 2004 that presumably will offer clearer guidance on timescale and possible pilots.

The action plan identifies 8 areas of provision where the DfES and DfT would particularly welcome pilot schemes. The Committee considered these at the meeting on 6 November in the context of whether to make any recommendation in its final report as to the involvement of the LEA in one or more pilot schemes. The Committee expressed interest in 3 areas and asked for a report to its next meeting on the feasibility of LEA involvement given it seems likely that the government will offer no significant financial support to LEAs for mounting a pilot scheme. The following comments are intended to assist the Committee in considering whether to recommend the LEA to get involved in a pilot. The present information is that pilots will run for 3 years before they are evaluated. It is likely to be at least 5 years therefore before any substantive legislative changes and guidance impact generally on LEAs.

### **Curriculum needs of the 14-19 age group**

At present the LEA makes some provision through PTG for the 16+ age group, but not at every school. This happens when individual numbers are low and there is a need to secure broader access to courses usually by facilitating travel to colleges (or other schools). The present arrangements are not particularly cohesive. There is a budget of approximately the right size for certain schools, whilst in other cases arrangements are made on the basis of a recharge to the school. Curriculum delivery is the responsibility of each school and special arrangements to facilitate wider access is regarded as part of each school's provision payable for by the school. The reasons behind the disparate nature of current provision are therefore historical. At present the arrangements do not address the special curriculum needs of the 14-19 age group. They could be expanded, but PTG makes the point that, based on existing experience, such transport requirements are very customised and given to change at very short notice. This involves intensive use of staff resources requiring urgent action for relatively little value work. There is scant opportunity for pre-planning. Many administrative problems have been encountered in dealing with schools. Those providing the education tend to overlook inter-site travel times when producing timetables. Whilst this might not be too difficult to tackle when considering only post-16 transport, the implications for inter-site travel for pupils under 16 are likely to be more complex. Even if timetables could be arranged so that students go to different

sites on different days there would still be many issues about transport arrangements that will need to be addressed, such as the availability of transport and the process of authorising and paying for it. Would there be a need to secure customised transport from home to school and back?

This area of provision is not one specifically identified in the action plan as a possible pilot scheme, but the DfES will be looking at schemes that allow LEAs to trial alternative packages of school transport. The DfES might take the view that this is a practical issue of logistics and funding that LEAs and schools just have to confront from year to year not calling for a pilot, as it can be tackled within the existing legislative framework, particularly as such provision has to be heavily customised to meet the needs of individual schools. It is an area that is further complicated because of different funding streams covering the 14-19 age group. One area where the current legislation does impact is the requirement that transport arrangements must apply equally to all students of 6<sup>th</sup> form age whether in a college or school. At present the arrangements for post-16 are different from the arrangements for pupils of statutory school age and have been for many years.

**This is an area that could be examined outside of any government initiative with a view to the LEA publishing its own guidance and best practice. PTG points out that in many ways this area of provision would be organised best by schools, which are in a position to respond quickly to individual pupil/student needs. Some schools have shown themselves to be quite effective in arranging, often with the help of PTG, their own transport, but most schools have neither the inclination nor expertise to do this. There are also the associated issues of funding and audit. The dilemma is that the staff best placed to produce a manual of guidance and best practice are already hard pressed. If this is to be taken forward it needs a steering group comprising key officers from PTG, Education Department and schools with specialist input when needed working to an action plan that identifies individual responsibilities and timelines. The size of such a task should not be under-estimated.**

### **The extended school day and after school activities.**

The problem of facilitating access to schools at other than traditional times because of inadequate or non-existent transport is a well-established problem area confronting all LEAs and many schools, particularly those with a wholly or partly rural catchment. In Nottinghamshire it is less of a problem within the Nottingham City conurbation because transport is primarily provided by means of purchasing tickets on a commercial or tendered bus service offering a range of journeys across the day. Nevertheless it is limited by service bus capacity at main travel times and lack of any regular service to some parts of school catchments. The Committee has already looked at this issue and has first hand knowledge of the problems at Tuxford (a rural catchment) and Bramcote Hills (a primarily urban catchment).

The integrated transport policy of the Authority means that emphasis is placed on public service provision with this being utilised for home to school transport wherever possible. It is impracticable for the public network to be geared to

the day to day variations in school needs so as to allow them to be built into bus timetables. It is probably feasible to 'fill out' the school bus timetable so as to provide for inward journeys in the morning and at lunchtime, with return journeys at lunchtime, teatime and the evening. This would throw up capacity/route issues, as well as problems of managing demand. Funding is likely to be a major issue. Should the additional costs be met by the school(s) which is usually the case at present or by the LEA or shared?

**This seems to be an excellent subject for a pilot. Apart from addressing the fundamental issues identified above it embraces innovative ideas such as the creative use of community transport, collaboration between schools both in the provision of extra-curricular activities and the possibility of schools owning their own transport. The thrust of all the pilots will be to reduce the use of cars (which might involve the sponsoring of parent car-sharing schemes) and increase the use of buses or other means of public transport. The expectation is that where pilots are mounted more than one authority will be involved, and that will allow for the sharing of ideas and experiences during the course of the pilot. However all those involved with similar pilots will be expected to commit equivalent levels of budgetary provision. Careful consideration would therefore need to be given to the possible financial implications as well as to the adequacy of staffing resources before committing to a pilot. For the pilot, even though for 3 years, to be manageable it would probably need to be restricted geographically to a couple of areas, one urban and one rural. If the Committee were minded to recommend involvement in such a pilot the LEA ought to reserve its position until further guidance has been published.**

### **Staggered Hours**

PTG comments that this is a long-standing vision because of an historic approach of running buses, within reason, to timetables that maximise usage. Many such link-ups have gone leading to a substantial extra cost of hiring in more buses and reducing the efficiency of use.

With schools having control of their session times and organising them for non-transport reasons, together with the road safety issues associated with children being on the premises, the timetabling constraints now in place make restitution of lost linked timetables increasingly hard to pursue. These constraints, coupled with many longer runs, mean that any stagger would need to be very considerable particularly in the afternoon. In many cases the best option could lie with co-ordinating primary and secondary runs so that a run in one direction links to one in the other. This could push the timetable stagger towards the primary school where greater flexibility might exist.

A second or alternative approach could be for a secondary school with a concentrated bulk movement to stagger its year groups so that buses can multi-trip the same route. This should produce significant savings. Some

schools would have to increase supervisory support, although this is already happening to an extent for reasons not directly related to transport.

Where schools are sharing the curriculum it will be increasingly difficult to stagger session times. Changes such as those in Retford have led to schools standardising their session times.

There are clear tensions between the factors that influence the school timetable and those needed to achieve effective staggering. Even if for the purpose of a pilot the power to determine session times were returned to the LEA, the tensions would still exist with a potential for friction between the LEA and governing bodies. There are no doubt strong school organisation reasons why the school timetable should take a particular shape. Even if the LEA had more power it would not guarantee greater co-operation from schools, as they would have no particular incentive to co-operate unless one could be provided. It is hard to see that there would be any justification for the LEA deducting the notional loss of transport savings from a school's budget for refusing to co-operate with changes when it is the LEA and not the school seeking those changes. For such a pilot to be successful would call not only for the powers of the LEA to be strengthened in a number of respects but also for maximum co-operation from schools. **Desirable though the aim may be a pilot would be very resource intensive and difficult to manage.**

## **Conclusion**

**If the Committee were minded to recommend involvement in a pilot scheme, the most appropriate would appear to be that relating to the extended school day/after school activities. Whilst this would require close co-operation from schools the benefits to be gained by them should provide compelling reasons for such co-operation. Lack of transport in this area of provision is primarily a problem for schools, whilst mainstream transport is more of a problem for the LEA. Any pilot designed to address this ought to be welcomed by schools. However the LEA ought to wait for further guidance about the operation of pilots to be issued.**