

Report to: Lead Member for Education and Inclusion, Special Educational Needs and Disabilities

Date: 18 October 2021

By: Director of Children's Services

Title: Home to School Transport Policy review

Purpose: To consider the recommended changes to the Special Educational Needs and Disability (SEND) travel assistance policy for statutory school aged children

RECOMMENDATION:

The Lead Member is recommended to review and approve proposed amendments to the SEND travel assistance policy for statutory school aged children.

1. Background information

1.1 East Sussex County Council ("the Council") has the following policies with regard to Home to School Transport provision:

- School transport policy - This is the overarching policy setting out the Council's current home to school transport policy, with a focus on the transport the Council provides to mainstream pupils.
- Special Educational Needs and Disability ("SEND") travel assistance policy for statutory school aged pupils – Documents in more detail provision for SEND pupils.
- 16 to 19 SEND travel assistance policy – Documents the home to school transport provision provided to those aged 16 to 19 with SEND and how their eligibility is assessed.
- Post 19 SEND travel assistance policy - Documents the home to school transport provision provided to those aged over 19 with SEND and how their eligibility is assessed.

1.2 The current policies above can be found on the County Council's website: <https://www.eastsussex.gov.uk/educationandlearning/schools/transport/strategy/download/>

1.3 At the Lead Member meeting on 13 September 2021, changes to the following policies were approved:

- School transport policy
- 16 to 19 SEND travel assistance policy

- Post 19 SEND travel assistance policy

1.3 The main statutory provisions relating to home to school transport are contained within s.508 of the Education Act 1996 and its subsections (as amended). The recommended review/appeals process is set out in statutory guidance: *Home to school travel and transport guidance: statutory guidance for local authorities; July 2014*; particularly at Annex 2. This can be found online at: <https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>.

1.4 The Local Government and Social Care Ombudsman (LGSCO) has powers under the Local Government Act 1974 to investigate complaints and issue reports concerning allegations of maladministration or service failure. Details of complaints made to the LGSCO are reported to members at Cabinet and Council meetings through the Council quarterly monitoring report. The Governance Committee also receives an annual customer services report which sets out the annual report received from the LGSCO.

1.5 The LGSCO has considered the Council's appeals process for handling applications for home to school transport. They have recommended that the following improvements are made to the appeals process. Set out below is a description of the current appeal process and the suggested revised process:

- Two stage appeal process: For SEND transport applications, the current process sets out that discretionary cases are first heard by the Inclusion Special Educational Needs & Disabilities (ISEND) Travel Panel consisting of officers. If applicants wish to appeal the decision, the next stage is currently a review by the Discretionary Transport Appeal Panel (DTAP) consisting of 3 cross-party elected members. The statutory guidance recommends a two-stage appeal process whereby a decision is first made by an officer. If the applicants wish to challenge the officer decision, the stage 1 review is undertaken by a senior officer. Following our new process, a stage 1 review would be undertaken by the ISEND Travel Panel, which already consists of senior officers. The stage 2 review is then reviewed by DTAP. This amended policy brings the Council processes more in line with the recommendations in the statutory guidance.
- Allow verbal representations at stage 2 appeal hearings: The current Council policy states that it is not possible for parents/carers to attend appeal panel meetings in person. The revised policies will allow for applicants to request to provide verbal representations to the Appeal Panel in exceptional circumstances where a learner/parent/carer would face significant disadvantage in making their appeal without this. It will be possible for applicants to request to make verbal representations on the Stage 2 appeal form and the request will be considered by the supporting officer. It is expected that the verbal representation will be made via a telephone call or video call for a fixed duration at the start of the Appeal Panel hearing.

1.6 While the policy was being reviewed, the opportunity was taken to review the wording and formatting of the documents as a whole. Additional minor amendments have been made to increase clarity, improve readability, and increase accessibility, for example when being read by a screen reader, as well as to bring the document in line with the other policies regarding SEND transport. There has been no material change to the substance of the policy apart from the two areas above.

2. Conclusion and reasons for recommendations

2.1 The Lead Member is recommended to review and approve proposed amendments to the SEND travel assistance policy for statutory school aged children, which include an amended appeals process and other minor changes which assist with accessibility and readability.

ALISON JEFFERY
Director of Children's Services

Contact

Alison Mills – Project Manager, Home to School Transport.

Tel: 01273 336670

Email: alison.mills@eastsussex.gov.uk

Appendices

Appendix 1 - Revised SEND travel assistance policy for statutory school aged children