



## Committee and Date

Cabinet

16<sup>th</sup> December 2019

## Item

Public

### **Post-19 Travel Assistance Policy**

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## **1. Summary**

- 1.1 This report explains the background to and the need to adopt a policy to meet the requirements of Section 508F of the Education Act 1996 following an Ombudsman determination. This provision imposes a duty on the Council to make transport arrangements considered necessary for adult learners aged 19 and over attending educational institutions. Any transport must be free of charge. An investigation by the Local Government and Social Care Ombudsman was undertaken concerning a complaint that the Council had failed to provide free transport for a 19-year-old to attend college.
- 1.2 Under the arrangements current at the time of the complaint, when adult learners turned 19, they were directed to Adult Social Care and assessed under the Care Act 2004. In this specific case, it was agreed that the individual was entitled to transport under the Care Act but a financial assessment was then carried out to determine what his financial contribution should be for the travel assistance arranged for him (as he lived in a rural location some distance from public transport).
- 1.3 The Ombudsman determined that the Council should have assessed the individual under Section 508F of the Education Act (rather than the Care Act) to determine if it was "necessary" for him to be provided with free transport.
- 1.4 Following discussions with other Local Authorities who have found themselves in a similar position, a draft policy has been produced.
- 1.5 The Council has undertaken a six-week consultation, during September and October 2019, with various stakeholders including elected members, schools and colleges, parent advocacy groups, voluntary and community sectors and Town and Parish Councils. The results of this consultation have now been analysed and compiled before being presented to Cabinet for a decision. Having considered the views raised with the consultation responses from the various stakeholders, the recommendation would be to implement the Post 19 Travel Assistance Policy currently in draft at Appendix A. Details of the feedback received from the consultation can be found in Appendix B.

## **2. Recommendations**

- 2.1 To approve the draft Post 19 Travel Assistance policy in Appendix A
- 2.2 To delegate to the Executive Director of Children's Services authority to undertake the necessary steps to implement the new policy and to take any further action as appropriate.

## **REPORT**

### **3. Risk Assessment and Opportunities Appraisal**

- 3.1 A policy dealing with Section 508F of the Education Act is necessary to ensure that the Council is compliant with its legal obligations.
- 3.2 The Equality and Social Inclusion Impact Assessment (ESIIA) has identified that there is potential of Low Positive Impact on protected characteristic groupings, in particular those for age, disability, and social inclusion (see Appendix C).

### **4. Background**

- 4.1 The need for the Council to have in place a policy to cover Section 508F of the Education 1996 arose from an investigation by the Local Government and Social Care Ombudsman as explained in the summary.

Under the proposed policy all adult learners aged 19 and over accessing education and training will be assessed for travel assistance eligibility firstly under Section 508F of the Education Act, and if it is determined that it is not deemed 'necessary' to provide transport in accordance with the policy then a further assessment may be undertaken under the Care Act. If transport is provided under the Care Act a financial assessment will also be completed, travel assistance may be granted which may attract a contribution.

- 4.2 Pending formal approval of the proposed policy officers are assessing individuals in accordance with the draft policy to determine if there are any operational difficulties. To date none have been identified. More detail about the financial implications are set out at section 6 below.

## **5 The consultation and how feedback was generated**

- 5.1 The Council carried out a six-week consultation and contacted various stakeholders including elected members, schools and colleges, parent advocacy groups and Town and Parish Councils. The consultation was also placed Council's online portal.

The Council received eight responses, three consultees were in support of implementing the new draft policy.

Five consultees shared the following concerns:

- Rural isolation and lack of public transport
- Transport for all post 16 SEND pupils should be free
- The procedure for parents accessing this policy is confusing
- The Council should meet the needs of individual timetables and extra-curricular activities

- 5.2 It has been recognised that accessing this new process for learners and their families could be confusing as it was different to previous years where families went directly to Adult Services. A new application form will be implemented as well as clear signposting given to learners and their families by the Passenger Transport Group when a young person reaches post 19. Full information and signposting will also be provided on the Council's website.

Please refer to Appendix B for full comments and feedback.

## **6. Financial Implications**

- 6.1 As of the beginning of November 2019 Shropshire Council had granted 19 learners travel assistance under Section 508F of the Education Act with an estimated cost of £135,790 in a full year. The Council must also recognise that if transport is deemed necessary by the Local Authority then it needs to accept that the obligation to support travel will continue until an individual's Education, Health and Care Plan (EHCP) ceases and/or the learners' individual circumstances change. Currently in Shropshire there are 259 individuals aged 19-25 with an EHCP so this area is likely to see significant growth over time. Although Section 508F of the Education Act does not exclusively refer to those aged 19 and over with SEND, Shropshire Council does not expect to attract any costs for mainstream students due to its current policy for this area.
- 6.2 As it is a new policy it is hard to predict the numbers of passengers and the cost to the Council, however as it stands the Council will spend £79,210 by the end of the 2019/20 financial year. SEND pupil numbers and particularly those that have required travel assistance has seen growth of between 5-7% in recent years.
- 6.3 This is recognised as an additional pressure but this does not materially alter the growth projections in children's and adult services as set out in the financial strategy.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

**Cabinet Member (Portfolio Holder)**

**Councillor Ed Potter**

**Local Member**

**All**

**Appendices**

Appendix A – Draft Policy

Appendix B – Consultation Responses

Appendix B - ESIIA