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10 January 2019

Children and Young People Scrutiny Committee

A meeting of the Children and Young People Scrutiny Committee will be held on **Friday, 18 January 2019 at 10.00 am in Committee Room One, County Offices, Newland, Lincoln LN1 1YL** for the transaction of the business set out on the attached Agenda.

Yours sincerely

A handwritten signature in black ink that reads "Debbie Barnes".

Debbie Barnes OBE
Head of Paid Service

Membership of the Children and Young People Scrutiny Committee (11 Members of the Council and 4 Added Members)

Councillors R L Foulkes (Chairman), R J Kendrick (Vice-Chairman), M D Boles, Mrs W Bowkett, M T Fido, C Matthews, A P Maughan, S R Parkin, M A Whittington, L Wootten and R Wootten

Added Members

Church Representatives: Reverend P A Johnson and Mr S C Rudman

Parent Governor Representatives: Mrs P J Barnett and Miss A E I Sayer

CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE AGENDA
FRIDAY, 18 JANUARY 2019

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1	Apologies for Absence / Replacement Members	
2	Declarations of Members' Interests	
3	Minutes of the Meeting of the Children and Young People Scrutiny Committee held on 30 November 2018	5 - 14
4	Announcements by the Chairman, Executive Councillor for Adult Care, Health and Children's Services and the Acting Executive Directors of Children's Services	Verbal Report
5	Council Budget 2019/20 <i>(To receive a report by Heather Sandy, Interim Director of Education, which outlines the budget proposals for the next financial year 2019/20 and provides the Committee with the opportunity to scrutinise and make comment on them prior to the Executive meeting on 5 February 2019 when the final budget proposals for 2019/20 will be made)</i>	15 - 26
6	Local Area SEND Inspection by Ofsted and CQC <i>(To receive a report by Sheridan Dodsworth, Children's Services Manager – SEND, which advises the Committee of the outcome of the Local Area Inspection undertaken jointly by Ofsted and the Care Quality Commission)</i>	27 - 46
7	Children Missing Out on Education Annual Report 2017/18 <i>(To receive a report by Jill Chandair-Nair, Inclusions and Attendance Manager, which invites the Committee to consider the 2017/18 annual report on Children Missing out on Education in Lincolnshire)</i>	47 - 64
8	Grammar School Transport - 2018 Review <i>(To receive a report by David Robinson, Commissioning Manager Transport, which requests the Committee to consider the 2018 review)</i>	65 - 152
9	Children and Young People Scrutiny Committee Work Programme <i>(To receive a report from Tracy Johnson, Senior Scrutiny Officer, which provides the Committee with an opportunity to consider and comment on its work programme for the coming months)</i>	153 - 158

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- Copies of reports

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**CHILDREN AND YOUNG PEOPLE
SCRUTINY COMMITTEE
30 NOVEMBER 2018**

PRESENT: COUNCILLOR R L FOULKES (CHAIRMAN)

Councillors R J Kendrick (Vice-Chairman), M D Boles, Mrs W Bowkett, M T Fido, C Matthews, A P Maughan, S R Parkin, M A Whittington, L Wootten and R Wootten.

Added Members

Church Representatives: Reverend P A Johnson and Mr S C Rudman.

Parent Governor Representatives: Miss A E I Sayer.

Councillors: D Brailsford, Executive Support Councillor for Children's Services was also in attendance.

Officers in attendance:-

Matthew Clayton (Admissions and Education Provision Manager), Katrina Cope (Senior Democratic Services Officer), Nicole Hilton (Chief Community Engagement Officer), Tracy Johnson (Senior Scrutiny Officer), Heather Sandy (Chief Officer for Education), Sally Savage (Chief Commissioning Officer - Children's Services), Janice Spencer (Assistant Director Safeguarding) and Sam Clayton (Principal Child and Family Social Worker).

38 APOLOGIES FOR ABSENCE / REPLACEMENT MEMBERS

Apologies for absence were received from Councillor M A Whittington and Mrs P J Barnett (Parent Governor Representative).

Apologies for absence had also been received from Councillor Mrs P A Bradwell OBE, Executive Councillor for Adult Care, Health and Children's Services and Debbie Barnes OBE, Executive Director of Children's Services.

39 DECLARATIONS OF MEMBERS' INTERESTS

No declarations of members' interest were made at this stage of the proceedings.

**40 MINUTES OF THE MEETING OF THE CHILDREN AND YOUNG PEOPLE
SCRUTINY COMMITTEE HELD ON 19 OCTOBER 2018**

RESOLVED

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That the minutes of the Children and Young People Scrutiny Committee meeting held on 19 October 2018 be agreed and signed by the Chairman as a correct record, subject to Councillor A P Maughan's declaration of interest being amended to read '*as his employer Streets Accountants LLP were appointed statutory auditors for a number of the Academies referred to in the agenda item.*'

41 ANNOUNCEMENTS BY THE CHAIRMAN, EXECUTIVE COUNCILLOR FOR ADULT CARE, HEALTH AND CHILDREN'S SERVICES AND THE EXECUTIVE DIRECTOR OF CHILDREN'S SERVICES

The Chairman invited the Executive Support Councillor and Senior Officers to update the Committee.

Councillor D Brailsford, Executive Support Councillor for Children's Services advised that in the previous week, he had attended the Children and Young People NOW Awards in London, as the Council had been a nominated as a finalist in the Children and Care Awards. It was noted that the Council had not unfortunately been selected as a prize winner.

It was highlighted that one of Lincolnshire's Primary schools had also been selected in the Learning Award; and the Advice and Guidance Award categories. The Committee was advised that Kirton Primary School had won both of the aforementioned categories, which had been excellent news for Lincolnshire.

The Chief Officer for Education advised the Committee that the SEND local area inspection report had been published. It was highlighted that the report celebrated the work Lincolnshire had done for SEND; and the effective range of services provided by the Council; and the effective working with health and education partners.

The Chief Officer for Education also highlighted that a positive letter had been received from the Minister regarding the publication.

The Senior Scrutiny Officer highlighted that the SEND Ofsted and CQC Inspection Report and Action Plan would be considered by the Committee at the 18 January 2019 meeting.

42 PREVENT AND THE IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

The Committee received a presentation from Nicole Hilton, Chief Community Engagement Officer, which provided an update on Prevent activity in Lincolnshire during 2017/18, as a result of changes to the Counter-Terrorism Bill 2014, and the introduction of the Government Counter-Extremism Strategy 2015 and the updated Contest Strategy 2018, including the new responsibilities placed upon Local Authorities and in particular the implications for Children and Young People.

The presentation made reference to:-

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- Roles of Specified authorities, which included assessing the risk of radicalisation in their area; developing an action plan to reduce risks; ensuring staff were trained to recognise radicalisation and extremism; partnership working with others; establishing referral mechanisms; and maintaining records to show compliance;
- Current International Threat – The Committee noted that the UK faced several different terrorist threats. It was highlighted that the threat from Islamist terrorism remained the most significant threat. It was also highlighted that extreme right-wing terrorism was also a growing threat. Some examples of the on-line content of such threats were shared with members of the Committee;
- Prevent Duty Guidance for Schools and Educational Providers – The Committee was advised that the Prevent Duty involved providing guidance and advice to schools, childcare providers, the Lincolnshire Safeguarding Children Board (LSCB); safeguarding British minors returning from the conflict in Syria and Iraq; providing a catalogue of training courses; and educating against Hate;
- Training – The Committee was advised that some awareness training was conducted face to face; other training available included the Home Office Prevent e-learning and Channel packages; training was also provided to the LSCB relating to understanding Pathways to Extremism and the Prevent Programme. The Committee was advised that the take up of training by schools in Lincolnshire was high. The Committee was also advised of the key projects in Lincolnshire, one of these was that a task and finish group that had been established to consider how to engage with young people to discuss concerns around the on-line narrative of extremist ideologies, such as those based around the extreme right wing. A further project was that guidance for schools had been amended to include the updated and strengthened Contest 2018 Strategy. The Committee was also advised that the Community Engagement Team was supporting the delivery of a three year Countywide Community Collaboration Project, which was due to finish at the end of March 2020. It was noted that Officers had been working in partnership with the Ethnic Minority and Traveller Education Team to support Supplementary schools, offering training from both the Lincolnshire Police Prevent Officer and the LCC Prevent Officer to raise their awareness of Prevent. It was also reported that over 250 'Safeguarding Against Extremists' workshops had been delivered to young people by the Lincolnshire Police Prevent Officers in schools, colleges and other establishments; to provide young people with a safe space for debate and allow discussion around sensitive and current issues;
- Channel – It was highlighted that the Channel Programme was part of the Prevent Strategy, which comprised of a multi-agency programme co-ordinated by the Police to identify individuals vulnerable to radicalisation and to direct them towards appropriate support. The programme consisted of three elements: identifying individuals at risk; assessing the nature and extent of the risk; and developing the most appropriate support plan for the individual involved. To deliver the programme the local authority worked with the police and other agencies including the NHS; Social Workers; Educational

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Institutions; Youth Offending Services; Immigration and Border Agency; Housing Services; Prisons and Probation Services. It was highlighted further that Channel aimed to stop people moving from extremist groups, or from extremism, into terrorism. It was noted that the Channel Panels had to develop a support plan for accepted cases and signpost individuals to other support where cases were not accepted. They also had to ensure that consent was sought prior to support being provided; and to ensure that there was co-operation with other panel partners; and

- Elective Home Educated Children (EHEC) – It was reported that the EHEC did not come under the Prevent Duty. However, support could be provided by the EHE team as appropriate, as this team had received training on this matter.

In conclusion, the Committee was advised that the training and awareness of Prevent continued in Lincolnshire; and that further work was commencing on making the private sector more aware of the Prevent agenda.

During discussion, the following comments were raised:-

- What type of engagement would be made with private businesses? The Committee was advised that as the threat in Lincolnshire was low, there was a balance that needed to be made between causing alarm and providing awareness. It was noted that some influential organisations would be invited to come and talk to officers about Prevent; and made aware of the on-line training;
- That parents needed to have an awareness of what their child/children were doing particularly on-line;
- One member asked at what stage would hate speech become a terrorist threat. The Committee was advised that hate speech was not illegal. However, if a threat became continual and action was taken by an individual on the threat, then that would be unlawful;
- Whether there were any links with mental health issues and extremism. The Committee was advised that a high number of cases did not involve mental health issues. However, it was highlighted that sometimes it was hard to disconnect mental health issues to radicalisation. In cases such as these, experts would be brought in. It was also highlighted that some forms of Autism, with particular reference to Asperger's made, had seen links to Neo-Nazism as memorabilia and military collections were appealing to them;
- The use of Facebook; and the need to ensure that parents were aware of the potential threats to their children;
- One member asked if in a situation where a parent had extreme views, would the school be targeted? The Committee was advised that there would be education of all partners if the individual was referred through the Channel Panel;
- A question was asked as to how many Prevent cases had been identified in Lincolnshire; and how success was measured. The Committee was advised that figures pertaining to Lincolnshire could not be shared; as these figures were not owned by the local authority, but by the Home Office. With regard to

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Prevent Statistics, it was highlighted that these were published every six months. It was highlighted further that nationally numbers of referrals usually increased following an attack. Officers advised that success could be measured on the number of people involved around the table; the level of collaboration from all organisations; and the uptake of courses;

- Clarification was made that anyone was able to refer. It was highlighted that there was an on-line Prevent LCC website, toolkit and on-line training available;
- It was queried whether home educated pupils were at risk as they were not part of the Prevent duty. Reassurance was given that interactions happened routinely with the EHE team and such pupils; and that contact was limited;
- One member highlighted the need for community cohesion and links to the Council;
- Involvement with organised groups such as Cadet Forces. The Committee was advised that there was involvement with organised groups; and that some groups had a greater understanding; and as a result some of the young people were being ambassadors to other young people; and
- The threat of extremism on-line for young people and those more vulnerable.

The Chairman on behalf of the Committee extended thanks to the Chief Community Engagement Officer and her Team for all their hard work with children and young people.

RESOLVED

That the Prevent and the Implications for Children presentation be received.

43 SCHOOL PLACE PLANNING AND THE PROCESSES FOR SCHOOL REORGANISATION

The Chairman welcomed to the meeting Matthew Clayton, Admissions and Education Provision Manager.

In guiding the Committee through the report, reference was made to the fact that in accordance with the Education Act 1996, the Local Authority (LA) had a statutory duty to ensure there was sufficient school places to meet need, either through maintained schools or academies. In order to fulfil this requirement, it was highlighted that effective school place planning was required.

Appendix A to the report provided the Committee with a high level summary of the sufficiency of school places in Lincolnshire, as provided for in the School Organisation Plan 2018/19. The Committee noted that this was a public document which provided an overview of the factors involved in school organisation planning, in addition to district level data showing existing and projected pupil numbers against available capacity.

It was reported that the LA return data to the Department for Education (DfE) provided the projected pupil numbers and capacity across the County at a smaller

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geographical level through planning areas. From this data the DfE allocated Basic Need capital to LAs to provide additional school places to meet demand.

Page 26 of the report provided a flow chart which detailed the process used by Officers in the school planning process.

The Committee was advised that over the next six years there was expected to be a 2%-3% increase in primary pupil numbers; and up to a 20% increase in secondary school pupil numbers in some parts of the County. It was highlighted that as nearly all secondary schools were now academies, the LA would continue to work with the Regional School Commissioner to ensure that the needs of local communities were met, with regard to sufficient school places.

A discussion ensued, from which the following comments were raised:-

- Page 43 – Ratio used to meet proven demand. The Committee was advised that the proven ratio used to measure the additional demand for places from new houses was based on local research looking at completed housing developments. The Committee noted that the ratio currently used presumed that 100 new homes would generate an average of 20 primary pupils and 19 secondary aged pupils across all year group in total;
- Porta-Cabins – One member enquired whether porta-cabins were still loaned to schools to help them meet their capacity. The Committee was advised that the LA still had porta cabins on sites around the County; but this was an option that would be avoided if possible, as the provision of a more permanent classroom was the better option, as mobile classrooms were now a more costly option;
- Further Education (FE) Provision - One member enquired as to what work was being done to support FE providers who were losing out to sixth forms. Officers advised that there was a range of reasons why some FEs were struggling, including that sixth forms received more funding. It was highlighted that work was ongoing with both colleges and sixth forms to get both sectors to work together better. Confirmation was also given that FE colleges were not governed by the LA. Some concern was expressed the FE colleges were losing their vocational courses. The Committee was advised that post 16 courses were changing; and as a result FE colleges would need to collaborate more;
- Page 45 – That the national census data had shown that over 28,500 people spoke with a foreign language as their main language; and that 69.3% of those spoke English well, which was below the national average. A question was asked as to what the LA was doing to improve the percentage of those not speaking English very well. The Committee was advised that one school now had one of the first Phonic Hubs which would support other schools in Lincolnshire; and that the DfE provided funding through the funding formula to support this;
- Following a scenario given by a member relating to meeting provision; and the problems encountered with Academisation, the Committee was advised that the LA had no powers with regard to this matter;

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- That new schools needed to be designed so that they could be easily extended, should the need arise. Officers confirmed that designs for new schools were designed to be future proofed;
- Clarity over figures on pages 33 and 42 of the report. Officers advised that the figures on page 33 were figures from the Office of National Statistics; and the ones on page 43 were local figures provided from NHS GP Registration Data as of January 2018. It was highlighted that housing development figures were based on estimates rather than facts. The Committee was advised that the Admissions and Education Provision Manager and the Team had been commended for their approach to school place planning;
- The impact of increasing numbers on local communities and transportation; and
- The need for District Councils to work better with colleagues from the County Council when considering the need for new housing developments.

The Chairman on behalf of the Committee extended thanks to the Admissions and Educations Provision Manager for his very informative presentation.

RESOLVED

That the report on School Place Planning and the Process for School Re-organisation be received and that the comments raised be taken into consideration by Officers.

44 PRINCIPAL CHILD AND FAMILY SOCIAL WORKER ANNUAL REPORT
2017/18

Consideration was given to a report from Sam Clayton, Principal Child and Family Worker, which provided the Committee with the Principal Child and Family Social Worker Annual Report 2017/18.

In guiding the Committee through the report, reference was made to:

- The success of the recruitment campaign for both attracting external staff and internal promotions. It was highlighted that the vacancy rate for Lincolnshire was now at 6%, compared to the national rate of 16%. It was highlighted further that the increase in the number of social workers had improved the ability of the teams to respond to demand, which ensured that children, young people and families received a good statutory service;
- Learning and Development – The Committee was advised that extensive work had been done with South Yorkshire Teaching Partnership to develop the curriculum and post qualifying offer for social workers and other children's services staff including apprentices, to meet the employer's needs. It was noted that this had meant that the social workers that qualified from the course came into the workforce better equipped to deal with social work practice. Details of the full learning and development on offer was detailed on page 78 of the report;
- The Committee was advised that it was vital that practitioners across Children's Services had access to understand, participate and learn from

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current research. The involvement in the research project had enabled Children's Services in Lincolnshire to contribute on a national basis to some of the most cutting edge practice issues;

- National Work – The Committee noted that as a result of national working the voice of social work had been presented to Central Government, which had resulted in a more considered approach to the National Assessment and Accreditation System roll out and recognition that social work required a national campaign to improve the attractiveness of the profession;
- That social workers were fully informed of the Partner in Practice process, which would ensure that staff were better prepared for the accreditation; and
- Ofsted – The Committee was advised that work for the Ofsted inspection was ongoing.

Detailed at Appendix A to the report was a copy of the Principal Child and Family Social Worker Annual Report 2017/18.

During discussion, the Committee raised the following points:-

- The challenges faced by Social Workers;
- Development of Social Workers – The Committee was advised that part of the Social Workers appraisal was to develop. It was noted that as social work was changing it was work in progress and a journey, as staff wanted to be continually challenged; and
- The improved recruitment impact on case load. It was reported that as of the end of September 2018, the average case load was 14.7 per social worker.

The Chairman on behalf of the Committee extended thanks to the team for all their hard work in making the journey a positive experience for staff and for young people and their families.

RESOLVED

That the Principal Child and Family Social Worker Annual Report 2017/18 be received.

45 PERFORMANCE - QUARTER 2 2018/19

Consideration was given to a report by Sally Savage (Chief Commissioning Officer), which provided key performance information for Quarter 2, 2018/19 that was relevant to the work of the Children and Young People Scrutiny Committee.

The following Appendices were attached to the report:-

- Appendix A – Council Business Plan Measures;
- Appendix B – Complaint and Compliments Report;
- Appendix C – Ofsted School Status Report; and
- Appendix D – Performance Monitoring of Contracts – Exempt Paper.

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The Committee was reminded that Appendix D to the report contained exempt information and if the Committee wished to discuss details pertaining to Appendix D, a vote would need to be taken to move into exempt session.

During discussion, the Committee raised the following issues:--

- Page 119 – Juvenile First Time Offenders – It was highlighted that the data reported had a six month lag and a rolling 12 month period. One member queried historical data provided on the website. The Committee was advised that for this quarter the Restorative project in Lincolnshire in conjunction with Lincolnshire Police had shown some effect in this period which had resulted in a significant reduction in the number of young people coming into the criminal justice system for the first time. Officers confirmed that incidents previously regarded as offences were still committed, but were not being recorded in the same way, as the definition of the offence was being changed as a result of the restorative work. It was agreed that it would be useful to see how many young people had gone through the restorative route;
- Page 126 – Juvenile Re-offending – Concern was expressed to the time lag of data from the Ministry of Justice. A request was made to see if this delay could be improved. A further member agreed that it would be useful to have information pertaining to the type of offences committed by the young people. It was noted that a report on Restorative Practice was due to be presented to the 26 April 2019 meeting; and
- Page 142 – Complaint to Stage 2 – The Assistant Director of Safeguarding provided the Committee with an overview of the Children's Services complaint process, from which a request was made for more information on the outcomes of Ombudsman complaints, so that any underlying themes could be looked at in more depth if necessary. A further suggestion was made for an annual Ombudsman report for the Committee to consider at the end of Quarter 4. Officers agreed to look into this request.

At this point in the meeting, it was moved, seconded and:

RESOLVED

That in accordance with Section 100(A) of the Local Government Act 1972, the public and press be excluded from the meeting for consideration of Appendix D to the report on the grounds that if they were present there could be a disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

The Chairman invited members of the Committee to ask questions in relation to Appendix D of the report and officers responded to questions raised. It was noted that this item was now resolved.

RESOLVED

That the performance report for Quarter 2, 2018/19 and the comments of the Committee be noted.

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**46 CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE WORK
PROGRAMME**

Consideration was given to a report from Tracy Johnson, Senior Scrutiny Officer, which enabled the Committee to consider and comment on the content of its work programme for the coming months.

Appendix A to the report on page 151 provided a copy of the Work Programme for the Children and Young People Scrutiny Committee to consider.

A member suggested adding an item regarding SEND transport. It was noted that this was linked to the SEND Review and would be incorporated in future updates on the implementation of the SEND Review.

RESOLVED

That the Children and Young People Scrutiny Committee Work Programme be approved.

The meeting closed at 12.45 pm

Agenda Item 5



Policy and Scrutiny

Open Report on behalf of Debbie Barnes OBE, Executive Director of Children's Services

Report to:	Children and Young People Scrutiny Committee
Date:	18 January 2019
Subject:	Council Budget 2019/20

Summary:

This report outlines the Council's budget proposals for the next financial year 2019/20, based on the four year funding deal announced by Government as part of the 2016/17 Local Government Finance Settlement.

This report specifically looks at the 2019/20 budget implications for the following commissioning strategies:

- Readiness for School;
- Learn & Achieve;
- Readiness for Adult Life; and
- Children are Safe & Healthy.

The budget proposals are now open to consultation. Members of this Committee have the opportunity to scrutinise them and make comment, prior to the Executive meeting on 5 February 2019 when it will make its final proposals for 2019/20.

Actions Required:

The Children and Young People Scrutiny Committee is asked to consider this report and members of the committee are invited to make comments on the budget proposals. These will be considered by the Executive at its meeting on 5 February 2019.

1. Background

1.1 The Executive is currently consulting on a single year financial plan for revenue and capital budgets to take the Council to the end of the four year funding deal from government. The Council continues to face significant reductions in government funding, growing cost pressures from demand led services such as adult and children's social care, waste disposal and the Council's responsibility to pay staff and some contractors the National Living Wage. Uncertainty around government funding beyond the four year funding deal (which runs from 2016/17 to 2019/20) means that the Council has not considered it practicable to develop

sustainable long term financial plans into the next decade. Work on this has started and will continue next year as information starts to emerge about the future funding framework.

1.2 The budget process carried out a year ago considered budgets for both 2018/19 and 2019/20. This year, the 2019/20 budgets have been reviewed in the light of latest available information to arrive at the proposals set out in this report. In developing its financial plan the Council has considered all areas of current spending, levels of income and council tax plus use of one off funding (including use of reserves and capital receipts) to set a balanced budget.

1.3 Areas of service expenditure have been reviewed to identify cost pressures which must be funded and savings which can be made through efficiencies and by reducing the level of service provided.

1.4 On an annual basis the Council has the opportunity to review the level of Council tax. Central government sets thresholds above which a local authority would be required to hold a referendum for Council tax increases. In the provisional Local Government Finance Settlement, the Secretary of State announced that the referendum threshold for general Council tax would be 3.00% for 2019/20. Together with a 2% Council tax increase for Adult Social Care in 2019/20, this means that Lincolnshire County Council could increase the Council tax in 2019/20 by up to 5%.

1.5 At its meeting on the 18 December 2018 the Executive agreed proposals for the Council's revenue and capital budgets to be put forward as a basis of consultation and made the decision to consult on a proposed Council tax increase of 4.95% for 2019/20.

1.6 The Commissioning Strategies reporting to the Children and Young People Scrutiny Committee and their associated activities are:

Readiness for School

1.7 The vast majority of our youngest children have access to a wide range of good or outstanding pre-school learning opportunities, which provides high quality early education to help children to develop the skills needed to interact confidently with their peers and adults. Children Centres are an essential element of our early help offer which supports parents in the challenging but rewarding job of bringing up their children. Children Centres provide access to health services as well as parenting advice and guidance and support parents in their own aspirations back into education or employment. All this supports children's readiness for school.

1.8 Services include:

- Children Centre activities covering 21 centres over 48 sites; and
- Supports early education and child care (of disadvantaged 2 year olds, universal 3 & 4 year olds entitlement and extended hours for working families – funded through the early years block of the Dedicated Schools Grant).

Learn & Achieve

1.9 As children progress through their primary years and into secondary, they develop further as independent learners. Through education, they explore their own creativity and express their own ideas and thinking, drawing on their individual talents. Well supported and skilfully challenged students will excel in their chosen subjects and core curriculum. It is important that at every stage of learning and development, parents are provided with meaningful information and guidance to help them support their child's learning, development and achievement of full potential.

1.10 However, we know that children who live in poverty, children who are looked after and other vulnerable groups do not do as well in education as their peers and the data indicates that they under perform. As education is an important pathway out of poverty, it is right that we focus our efforts on ensuring all children have access to the same life chances.

1.11 Services include:

- School Support Services (e.g. promoting attendance at school, music service, governor support);
- School Improvement;
- Capacity to facilitate the completion of Education, Health and Care Plans plus associated interventions;
- Children with a disability service, and
- Home to school / college transport.

Readiness for Adult Life

1.12 There is a need for an increasingly stronger link between education providers, local business and industry. Information about the current and anticipated local and regional economies needs to be used to fire young people's imaginations and support them in planning for their futures so they can be prepared and ready for adult life and independence where possible. There is a need to ensure that all young people especially the most vulnerable are supported to make positive and healthy life decisions. However, as funding is reduced, we need to find alternative ways to prepare young people for adulthood and independence.

1.13 Services include:

- Positive activities for young people;
- Supported accommodation / lodgings;
- Secure accommodation, and youth offending service, and
- Leaving Care.

Children are Safe & Healthy

1.14 All children deserve the chance to grow up in a loving, secure family and our services aim to support parents and carers to improve children's lives. Safeguarding is everyone's business: universal services such as schools, health and childcare providing information and advice, so they enjoy good physical and mental health; live a healthy lifestyle working in partnership with targeted services,

and specialist services to support parents, children and young people requiring additional support. Some children will always require extra help because of the disadvantages they face. The key is to ensure children and families receive services at the first onset of problems through strong preventive services.

1.15 Services include:

- Child protection (contact, referral, assessment and family support);
- Looked after Children;
- Fostering and adoption;
- Residential homes;
- Child and Adolescent Mental Health Service (through a Section 75);
- 0-19 Health Services; and
- Targeted support for young people at risk of sexual exploitation.

Revenue Budget Proposals

Readiness for School

1.16 Table A below sets out the revenue budget proposals for 2019/20 financial year:

Table A – Proposed Revenue Budget – Readiness for School

Change of Previous Year	£'000
Original Budget 2018/19	4,822
Changes for 2019/20	
Pay Inflation	26
Cost Pressures	
Savings	0
Proposed Budget 2019/20	4,848
Percentage Change	0.54%

1.17 Readiness for School strategy is proposing not to make any savings or proposed cost pressures in 2019/20.

Learn & Achieve

1.18 Table B below sets out the revenue budget proposals for the 2019/20 financial year:

Table B – Proposed Revenue Budget – Learn & Achieve

Change of Previous Year	£'000
Original Budget 2018/19	34,370
<u>Changes for 2019/20</u>	
Pay Inflation	163
Cost Pressures	306
Savings	-259
Proposed Budget 2019/20	34,580
Percentage Change	0.61%

1.19 Learn and Achieve strategy is proposing to make a saving of £0.259m in 2019/20. Within this strategy there is also a proposed cost pressure of £0.306m in 2019/20.

1.20 The proposed savings reduction of £0.259m relates to the removal of the funding from the government for the Special Education Needs & Disability (SEND) Reform Grant. The grant funding was to recognise the programmes of change in the area of SEND to streamline the system of SEN assessment, support and provision for children and young people 0-25, bringing together the provisions of a variety of Acts covering education, health and care as well as introducing new provisions, statutory implementation of associated duties, regulations and a new SEND Code of Practice. These changes have had a significant impact on the service with a 38% (or 1,260) increase in young people with an Education Health Care Plan compared to the year before implementation (2013/14). Local Authorities continue to make representation at a national level of the increasing demands on the administration, assessment, co-ordination and monitoring of SEND services.

1.21 Within this strategy there is also a proposed cost pressure for Home to School / College Transport of £0.306m in 2019/20. The government's desire to deliver living wage rises to £9 per hour by 2020 has increased the hourly rate from £7.83 to £8.21 from April 2019. A large proportion of the individuals delivering transport services are paid on the National Living Wage causing this proposed cost pressure.

1.22 The Home to School / College Transport is a challenging and volatile budget with unfavourable economic conditions, and changing legislation (incorporation new guidelines relating to safety, Disability Discrimination Act passenger access and ERO6 emissions standards by 2020), the impact of school reorganisations, growth in special school numbers, added with the challenges of Lincolnshire being

a rural county. The budget therefore remains a financial risk to the Council, although the service is taking every step to achieve efficiencies to manage such pressures where possible.

Readiness for Adult Life

1.23 Table C below sets out the revenue budget proposals for the 2019/20 financial year:

Table C – Proposed Revenue Budget – Readiness for Adult Life

Change of Previous Year	£'000
Original Budget 2018/19	5,964
<u>Changes for 2019/20</u>	
Pay Inflation	93
Cost Pressures	0
Savings	-300
Proposed Budget 2019/20	5,757
Percentage Change	-3.47%

1.24 Readiness for Adult Life strategy is proposing to make a saving of £0.300m in 2019/20. There is no cost pressure proposed for 2019/20.

1.25 The proposed saving of £0.300m relates to the Local Authority's legal duty (defined under Section 17 of the Children Act 1989) to safeguard and promote the welfare of all young people by providing supported accommodation for those young people of 16 and 17 years at risk of homelessness (due in part to case law referred to the Southwark judgement, and the complex needs of this age group where parents are refusing to continue to provide care for them), and all looked after children and care leavers up to the age of 21 years.

1.26 Transformational work has resulted in a new accommodation pathway for young people who require support or who are experiencing homelessness (and where family and wider network is not a suitable option) by providing suitable and more cost effective accommodation. A pilot involving in-house provision as a pathway into other accommodation is delivering value for money and improved individual outcomes, which the service is planning to roll out further across the Council, as properties become available.

Children are Safe & Healthy

1.27 Table D below sets out the revenue budget proposals for the 2019/20 financial year:

Table D – Proposed Revenue Budget – Children are Safe & Healthy

Change of Previous Year	£'000
Original Budget 2018/19	65,911
<u>Changes for 2019/20</u>	
Pay Inflation	712
Cost Pressures	1,194
Savings	-250
Proposed Budget 2019/20	67,567
Percentage Change	2.51%

1.28 Children are Safe and Healthy strategy is proposing to make a saving of £0.250m in 2019/20. Within this strategy there are also proposed cost pressures of £1.194m in 2019/20.

1.29 The proposed saving relates to Children's Services insourcing of the 0-19 health services in October 2017. This decision has allowed a more effective and integrated support for families as part of the overall delivery of Children's Services with teams working closely together to give quick, effective and joint support where it is needed. Savings have been delivered by having a lower cost base infrastructure and through utilisation of existing Children's Services sites, and a realisation of new ways of delivery.

1.30 A number of cost pressures exist within children's social care where the Local Authority has a statutory duty to protect children and take action when thresholds are met. Financial shortfalls have been identified for Special Guardianships Orders and supporting looked after children.

1.31 Special Guardianship Orders (SGOs) are increasingly being seen by the Courts as an important option for permanency for children who need to be removed from their birth parents which is endorsed by officers. The Local Authority is however required to fund SGOs (subject to means testing) so whereas we would once have seen children adopted, we are seeing increased SGO's which must be funded until the child reaches the age of 18 years. The expected increases are based on average numbers of SGO's being granted per month, which has identified a proposed budget pressure of £0.246m in 2019/20.

1.32 The national increase in looked after children is currently considered by the sector to be at 5% due to a number of reasons: case law, the impact of austerity, and the increasing complex nature of family life as a result of substance use, mental health and domestic abuse. The cost pressure in Lincolnshire relates more

to the increasing complexity, costs rises and demand-led nature of providing specialist services for looked after children. This cost pressure of £0.948m will support the costs in fostering, kinship care, and residential home arrangements.

1.33 Lincolnshire continues to be one of the most successful Local Authorities in providing value for money as evidenced in the CIPFA benchmarking report due to high percentage (78%) of looked after children managed through internal foster carers. The foster carer community is highly valued in Lincolnshire, and it is common place for foster carers to exceed 25 years' service. It is important to note that over 50% of registered foster carers are between the age of 50 and 70, therefore recruitment of new foster carers and support provided to existing foster carers are seen as key priorities.

1.34 In addition to the 632 looked after children, Children's Services also supports 2,403 children in need; 280 child protection cases, and 2,046 early help cases at any given point.

1.35 The government's direction of travel appears to be placing additional responsibilities onto Local Authorities, however the financial implications to the authority are unclear presently.

Capital Programme

1.36 The proposed capital programme covers the remainder of the current year and 2019/20, as well as major schemes for future years. Schemes comprise a number of major highways schemes; the rolling programme of renewal and replacement of fire fleet vehicles, gritters fleet and vehicles at the Waste Transfer Stations; improvements and review of property portfolio; information technology (IT) developments and rephrasing of existing schemes.

1.37 The gross programme is set at £381.315m from 2019/20 onwards, with grants and contributions of £110.308m giving a net programme of £271.007m to be funded by the County Council.

1.38 For Lincolnshire schools, Children's Services manage and maintain a comprehensive annual capital programme of individual school condition and maintenance projects which is overseen by the Children's Services Capital Programme Board. The service has requested that all capital funding made available by the DfE for schools is passed on to Children's Services to enable it to manage critical priority issues.

1.39 An allocation for Provision of Schools Place Basic Need Grant is £22.971m in 2019/20, and £12.351m is planned for 2020/21. This will allow the Council to plan strategically to fulfil its statutory duty to provide sufficient school places for the children of Lincolnshire.

1.40 An indicative grant award for the Schools Condition Allocation is £4.511m for 2019/20. This will be updated based on the number of Local Authority maintained schools on or by 1 April 2019.

1.41 An indicative allocation for Devolved Formula Capital is £1.136m for 2019/20. This will be updated based on the number of Local Authority maintained schools on or by 1 April 2019.

1.42 The award of the Special Provision Fund allocations of £0.771m per annum in both 2019/20 and 2020/21. An announcement of an additional £100m nationally has been made by the Secretary of State in December 2018, which Lincolnshire's anticipates to receive £1.076m. The Special Provision Fund will support the implementation of the Building Communities of Specialist Provision Strategy, which is to make significant improvements to SEND provision, so pupils can access an integrated school system which meets All Needs, in the right place, at the right time as close to home as possible.

Schools Budget

1.43 The Schools Budget is funded via the Dedicated Schools Grant (DSG). In 2019/20, the DSG will continue to comprise of four blocks: schools, central school services, high needs, and early years block. Each of the four blocks of the DSG is determined by a separate national funding formula.

1.44 Lincolnshire's indicative DSG allocation for 2019/20 is £560.080m, and will be used to support all schools in Lincolnshire including Local Authority schools and academies. Over half of Lincolnshire pupils attend academy schools; therefore the DSG figure for the schools block will be revised down for the academy schools budget share allocations. The DSG is a ring-fenced grant and the actual split between academies and Local Authority schools has no financial risk to the Council from the DSG schools delegated budget perspective.

1.45 The government implemented a new national funding formula in 2018/19 to ensure a fairer settlement for each school. The Council agreed to replicate the funding formula factors and monetary values along with the government's agreed floors and ceiling approach to enable incremental steps to move to the 'hard' formula. The introduction of the new national funding formula increased overall Lincolnshire mainstream school funding levels by c.3.7% in 2018/19, and is planned to grow by a further 2.9% in 2019/20.

1.46 The Local Authority will continue to be responsible for setting the mainstream school funding formula for all Lincolnshire schools including academies in 2019/20. The Local Authority's decision agreed to the direction of travel of replicating the government's national funding formula to ensure schools' allocations are on a sensible trajectory towards the move to the 'hard' formula. The Local Authority remains committed to continue replicating the national funding formula in 2019/20 with the protection arrangements (floors and ceiling) in place subject to affordability of the DSG from central government.

1.47 The government is also moving to a basis for distributing funding to Local Authorities for children and young people with high needs, taking into account an up-to-date assessment of the level of need in each area as opposed to funding on the basis of historic spending. Local Authorities will be protected under the formula by seeing a minimum increase of 0.5% per head in 2019/20 compared to their

2018/19 high need block. Lincolnshire's indicative protection is planned to be £41 per pupil (£5.776m) in 2019/20. The Secretary of State announced in December 2018 an additional funding allocation of £125m nationally into high needs block for 2019/20 to meet growing demands, which for Lincolnshire is £1.533m.

1.48 No further information has been provided from 2020/21, however the Local Authority expects that incremental reductions (similar to the schools minimum funding guarantee) will be applied in future years for losing Local Authorities to ensure reductions are manageable and can be planned for. This remains a financial risk, particularly at a time of increasing demands. It is expected that it will be a much tighter financial environment going forward for high needs services.

1.49 An increasing number of Local Authorities are now incurring a deficit on their overall DSG account, largely because of overspends on the high needs block. With effect from 2019/20 the department intends to tighten up the rules under which Local Authorities have to explain to the DfE their plans for bringing the DSG account back into balance. Lincolnshire is currently not in this position; however the position needs to be carefully and prudently managed particularly in light of the uncertainty of high needs block protection funding post 2019/20 and the growth in demands and complexities of young people.

Further Consultation

1.50 A consultation meeting with local business representatives, trade unions and other partners will take place on 25 January 2019.

1.51 The proposals will be publicised on the Council website together with the opportunity for the public to comment.

1.52 All consultation comments and responses will be available to be considered when the Executive makes its final budget proposals on 5 February 2019.

2. Conclusion

2.1 These budget proposals reflect the level of government funding available to the Council and the proposal to increase Council tax in 2019/20 by 2.95%. Adult Care Precept is proposed to increase by 2.00% in 2019/20, and this will give a total Council tax increase of 4.95%.

2.2 A thorough review of the Council's services was carried out during last year's budget process, which covered both the 2018/19 and 2019/20 financial years. This year, the 2019/20 budgets have been reviewed in the light of latest available information to arrive at the proposals set out in this report.

3. Consultation

a) Have Risks and Impact Analysis been carried out?

No

b) Risks and Impact Analysis

An Equality Impact Assessment will be completed for the proposed increase in Council tax. This will be reported to the Executive at its meeting on 5 February 2019.

Further Risk and Impact Assessments will need to be undertaken on a service by service basis.

4. Background Papers

Document title	Where the document can be viewed
Council Budget 2019/20 - Executive Report 18 December 2018	Democratic Services, County Offices, Newland, Lincoln http://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=121&MId=4975&Ver=4

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Agenda Item 6



Policy and Scrutiny

Open Report on behalf of Debbie Barnes OBE, Executive Director of Children's Services

Report to:	Children and Young People Scrutiny Committee
Date:	18 January 2019
Subject:	Local Area SEND Inspection by Ofsted and CQC

Summary:

This report provides information about the outcome of the Local Area inspection, undertaken jointly by Ofsted and the Care Quality Commission, in October 2018. The full findings are appended to this report.

An Action Plan is also appended to the report. This is being monitored through the Special Educational Needs Steering Group and reported to the Children's Services' Quality Assurance Board and the Women and Children's Board.

Actions Required:

The Children and Young People Scrutiny Committee is invited to note and comment on the outcomes of the Local Area SEND inspection and endorse the Action Plan.

1. Background

Between the 1 and 5 October 2018 Lincolnshire Local Area was inspected by Ofsted and the Care Quality Commission (CQC) to judge the effectiveness of the area in the implementation of the duties and responsibilities set out in the Children and Families Act 2014 in respect of children and young people (0-25 years) with special educational needs and/or disabilities (SEND).

The inspection focused on three questions:

- The effectiveness of the local area in identifying children and young people who have special educational needs and/or disabilities
- The effectiveness of the local area in assessing and meeting the needs of children and young people who have special educational needs and/or disabilities
- The effectiveness of the local area in improving outcomes for children and young people who have special educational needs and/or disabilities.

The inspectors from both Ofsted and CQC conducted Focus Groups with a wide range of professionals including Local Authority Officers, Lincolnshire Parent Carer Forum (LPCF), health service staff and other key partners as well as undertaking visits to Health Teams, Early Years settings, Primary, Secondary and Special Schools and a Further Education College.

In reaching their judgement the inspectorates also tested the accuracy and rigour of our local area's self-evaluation and the extent to which we know our strengths and weaknesses and have appropriate and realistic development plans.

Inspectors met with the LPCF and parents and carers across the county to understand how well the local area engages with them and their children and young people to inform decisions about the strategic commissioning of services and to ensure that these primary users are clear about the identification and assessment processes and the criteria used to make decisions. In all of the educational settings they visited, the inspectors met with children and young people to hear their experiences. They also conducted a week-long online survey for parents and carers to feedback their experiences of the support their children receive through the wide range of services and organisations in the county.

The inspection was thorough and challenging but enabled us to showcase the good practice in Lincolnshire. Since the inspection framework was introduced in 2016 around 60 local areas have been inspected and almost 50% have received a Written Statement of Action because the implementation of the SEND Reforms has been too slow and children and young people with additional needs are not receiving the support they are entitled to. This was not the case in Lincolnshire; inspectors confirmed the many strengths we have in identifying and supporting children and young people with SEND and families were generally positive about their experiences. Young people, in particular, were optimistic about the support they receive from the three main service areas (education, health and social care) and confident about achieving their aspirations.

The final report can be found at Appendix A. It highlights the main strengths that inspectors recognised throughout the inspection. It also includes areas for development that were identified by the inspectorates. There were no surprises; the areas for development were those that the Local Authority and the Clinical Commissioning Groups had identified in our Self-Evaluation. These form part of a wider Action Plan which is being managed through the SEND Steering Group. The relevant actions identified through the joint inspection are included at Appendix B.

2. Conclusion

The joint Ofsted and CQC inspection identified many strengths in Lincolnshire. Those areas that require improvement have a specific focus which is being monitored through the SEND Steering Group and reported to the Children's Services' Quality Assurance Board and the Women and Children's Board to ensure that the improvements required are responded to promptly. The

improvements will strengthen further the positive experiences and outcomes for children and young people with additional needs in the county.

3. Consultation

a) Have Risks and Impact Analysis been carried out?

Not Applicable

b) Risks and Impact Analysis

Not Applicable

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Lincolnshire's Final Outcome Letter (Ofsted)
Appendix B	Action Plan (extract relating specifically to inspection findings)

5. Background Papers

Document title	Where the document can be viewed
The framework for the inspection of local areas' effectiveness in identifying and meeting the needs of children and young people who have special educational needs and/or disabilities	https://www.gov.uk/government/publications/local-area-send-inspection-framework

This report was written by Sheridan Dodsworth, who can be contacted on 01522 553310 or sheridan.dodsworth@lincolnshire.gov.uk.

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21 November 2018

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John Turner, Accountable Officer, Lincolnshire Clinical Commissioning Group
Sheridan Dodsworth, Children's Service Manager SEN, Lincolnshire County Council

Dear Ms Barnes

Joint local area SEND inspection in Lincolnshire

Between 1 October 2018 and 5 October 2018, Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of the local area of Lincolnshire to judge the effectiveness of the area in implementing the disability and special educational needs reforms as set out in the Children and Families Act 2014.

The inspection was led by one of Her Majesty's Inspectors (HMI) from Ofsted, with a team of inspectors including an HMI, an Ofsted Inspector and a children's services inspector from the Care Quality Commission (CQC).

Inspectors spoke with children and young people with special educational needs and/or disabilities (SEND) and parents and carers, along with local authority and National Health Service (NHS) officers. They visited a range of providers and spoke with leaders, staff and governors about how they are implementing the disability and special educational needs reforms. Inspectors looked at a range of information about the performance of the local area, including the local area's self-evaluation. Inspectors met with leaders from the local area for health, social care and education. They reviewed performance information and evidence about the local offer and joint commissioning.

This letter outlines our findings from the inspection, including some areas of strength and areas for further improvement.

Main findings

- Leaders and managers have a clear vision for meeting the needs of children and young people with SEND. They aim to provide a local education system

where children and young people will get the right health, care and education provision in the right place and at the right time. These aims have been successfully shared with partner organisations and are contributing to improvements in outcomes for children and young people.

- The executive director of children's services and the senior leadership team have the highest ambitions for children and young people with SEND. Leaders' aspirations ensure that colleagues strive to provide services that improve the education and health outcomes for this group of children and young people. More young people who have an education, health and care (EHC) plan attain better educational outcomes at the end of key stage 4 than is seen for similar pupils nationally.
- Leaders and managers have accurately evaluated how well the local area is providing services. Leaders have actively sought the views of the local community and there is good evidence to show they are responding to the needs of service users. This has resulted in a strategy to provide specialist education in or near a child's community.
- The arrangements for jointly commissioning services in the local area are strong. Leaders have prioritised children and young people's mental health and emotional well-being. Leaders and managers have successfully introduced a range of services which meet children and young people's mental health and emotional well-being needs.
- Children and young people feel very positive about the support they receive from education, health and care professionals. They feel the professionals listen to them and generally provide good help and support.
- The parent carer forum engages with parents and carers regularly to gain their views about the services in the local area. Over the last 18 months, the parent carer forum has contributed to the shaping and designing of services. They have supported parents to have a better understanding of how to apply for an EHC plan.
- Education and health services have collaborated successfully with schools to reduce the number of fixed-term and permanent exclusions for children and young people with SEND. Consequently, the rate of exclusions for this group of pupils is now lower than the national average for similar pupils.
- There is good transition work between the children with disabilities team and adult social workers. Professionals understand children's needs and put plans in place to enable young people to attend further education and to live independently.
- Leaders have not established systems that are effective in ensuring that all managers are held to account for improvements to services. For example, the timely completion of initial health checks for children looked after has not improved quickly enough. Furthermore, leaders do not review their SEND

action plan regularly. The plan does not contain enough actions to rectify the weaknesses that the local area has identified in its self-evaluation.

- There is a low completion rate for the health visitor mandatory health assessments at two and a half years. This may impact on the early identification of children's needs.
- Children and young people are waiting too long for a diagnosis of autism because of delays in completing the steps in the autism pathway.
- There is variability in the quality of EHC plans. In many cases, the health outcomes are too general and, too often, provision does not meet the specific needs of the child or young person.
- A significant proportion of parents, and some professionals, who spoke with the inspection team were unaware of the local offer. Consequently, parents do not understand well enough the services available to support their children.

The effectiveness of the local area in identifying children and young people's special educational needs and/or disabilities

Strengths

- Midwives, health visitors and early years workers co-deliver free universal antenatal education across the county's 48 children's centres. This provides an important opportunity to identify needs early during the antenatal period and effect a change in behaviours where needed.
- The conversion of all statements of special educational needs to EHC plans was completed within the statutory timeframe. The proportion of new EHC plans that have been issued within the statutory timescale of 20 weeks is much higher than the national average. This enables the necessary provision to be quickly put in place.
- The transition of services for children who have disabilities to adult social care is very efficient. Each young person has a care passport which contains information about their health and care needs and this is shared with adult social care professionals in good time. This means that young people do not have to repeat assessments or face delays in receiving care when they become an adult.
- Parents and educational professionals appreciate the speedy response of social care services to concerns that are raised about children and young people with SEND. This enables timely support to be put in place to meet a child or young person's needs.
- There are effective working relationships across early years services. This supports efficient information sharing and early identification of children's

needs. Specialist teachers support early years providers to plan and to meet the needs of children, and to help them access inclusion funding if required. Children's progress is monitored by the specialist teachers. This information is shared with school staff to support the children's transition into school.

- A single point of contact enables families to have telephone access to health support and advice. This advice is provided by a health visitor or a children and young people's nurse. An electronic referral system ensures that the process for requesting further support is efficiently handled.

Areas for development

- The completion of the healthy child mandatory two-and-a-half-year check is a concern. The current completion rate of 30% is very low. This means that for some young children there may be a delay in the identification and assessment of their needs. The health visiting service has an action plan in place to increase the completion rate.
- The completion of the healthy child mandatory eight-month-old check has also been low. However, the local area has taken effective action and improved the completion rate recently. Local area leaders plan to use similar actions to increase the completion rates for the two-and-a-half-year check.
- The proportion of children who have been identified as having a moderate learning difficulty in primary schools is much higher than seen nationally. There is not a shared understanding across the local area as to why more pupils in Lincolnshire are identified as having moderate learning difficulties. As a result, pupils may not be receiving the most appropriate support to meet their needs. Progress made by pupils with SEND in key stage 2 in 2017 in reading and mathematics was weaker than the progress of similar pupils nationally.

The effectiveness of the local area in assessing and meeting the needs of children and young people who have special educational needs and/or disabilities

Strengths

- Children and young people in Lincolnshire benefit from access to a comprehensive children's community nursing service. The specialist training team within this service is a strength. The team supports training for professionals and carers across a range of education settings. They find solutions to the difficulties and barriers children and young people with highly complex health needs experience. This enables these children and young people to access education and to be part of school life.

- There is a strong emotional well-being and mental health offer for children and young people in Lincolnshire. This includes an emotional well-being service called Healthy Minds. The service offers a range of one-to-one or group sessions on a short-term basis. It provides support in areas such as coping skills and dealing with examination stress. There is an open referral system with a duty phone line. There has been a high take-up, and the service is meeting the large majority of needs of those who have accessed it.
- Children and young people who are referred to the specialist child and adolescent mental health service receive timely support because of short waiting times. For children or young people who have a learning disability and a mental health need, the quality of support is good.
- Joint commissioning of services in the local area is effective. This has supported schools in assessing and meeting children's needs in a timely way. The behaviour outreach support service is a good example of joint commissioning between schools and the local authority to introduce successful approaches to behaviour management. In addition, the local authority and schools have jointly commissioned Lincolnshire Partnership Foundation Trust to provide the Healthy Minds service. School leaders value these services.
- Children and young people have a good understanding of their own needs and the support they require. Young people feel involved in the decisions that are made about how to support them and say that adults are there to help them. Older students are aspirational about their futures. They understand how their study courses will support their career ambitions.
- Schools and the local authority have jointly commissioned autism awareness training which has been delivered by the Working Together team. This has equipped teachers and teaching assistants to meet the needs of this group of children and young people through a wide range of strategies in the classroom and around school.
- Many parents and professionals praise the role of early support coordinators. These coordinators help families to find the right services and activities to meet children and young people's needs.

Areas for development

- Children and young people currently wait too long to reach the end of the neurodevelopmental/autism diagnostic pathway. This can sometimes take between 10 to 15 months. This means there may be a delay in putting support in place to meet children's needs. Parents and carers experience increased anxiety as a result of these long waits.
- The completion of initial health assessments within nationally recommended

timeframes for children looked after is currently poor. While the local area children looked after steering group has explored options for improvement, an effective plan is not in place to rectify the delays. This means the health needs of children and young people coming into care, and who may have SEND, may not be identified and assessed quickly enough.

- The quality of the EHC plans is too variable. With the exception of those written by the therapy services, too often, plans have health outcomes that lack clarity and precision. In addition, the EHC plans are not updated quickly or consistently by the local authority, following annual reviews. Consequently, children and young people may be working towards out-of-date targets and the right provision for them may not be in place. Parents expressed frustration with these delays.
- The views of parents about the local provision of services to support their children are mixed. Many parents express positive views about the quality of services, particularly the role of SEND caseworkers in supporting their children in schools. Nevertheless, many parents feel frustrated that services, particularly therapy services, are not available to support their children.
- Most parents and some professionals who spoke with inspectors had not heard about the local offer. Consequently, parents are often unaware of the range of support that is available. Those parents who said they had looked at the local offer said that information is difficult to find. The local area has responded to feedback about the local offer and is currently redesigning the format. The early work to improve the offer is of good quality and provides more accessible information to support children's emotional well-being.

The effectiveness of the local area in improving outcomes for children and young people who have special educational needs and/or disabilities

Strengths

- The proportion of fixed-term and permanent exclusions for children and young people with SEND has reduced sharply over the last two years. The local authority and schools have worked collaboratively to ensure that these pupils remain in education. The proportion of this group of pupils that are excluded is now below the national average for similar pupils.
- Physiotherapists, occupational therapists and speech therapists are delivering care in an outcome-focused way. Inspectors saw examples of effective practice and improved outcomes for children and young people.
- The therapy services provide good contributions to inform health outcomes in EHC plans. This has enabled the right provision to be put in place to meet children and young people's needs.

- Eighty per cent of children and young people who have been discharged from the Healthy Minds service show improvements. This means that this group of young people do not require further specialist services. The other 20% of children and young people who have accessed this service have been referred to specialist services.
- Educational attainment at the end of key stage 4 for children and young people with SEND is higher than for similar pupils nationally.
- The number of young people with SEND, and who are not in education, training or employment, is lower than seen nationally at the age of 16. A higher proportion of young people in Lincolnshire are attending further education colleges to build on their skills and knowledge. This reflects the good transition work which signposts young people onto courses which help them to realise their ambitions.
- The proportion of young people who have an EHC plan and who are qualified at level 2 with English and mathematics, or qualified at level 3, is higher than seen nationally for similar pupils. This prepares them well for the world of work.
- The planning to support young people to live independently is effective. The proportion of young people with SEND who live independently is higher than seen nationally.
- School improvement initiatives to raise outcomes for children and young people who receive SEND support have been successful. These initiatives have been trialled in 33 primary schools over the past two years. In 2018, the proportion of pupils in this group who achieved the combined standard in reading, writing and mathematics increased.
- Young people told inspectors how they have been supported to gain internships, work experience and voluntary work to help them become independent adults and live fulfilled lives. Information from the local area shows more young people are now supported into the world of work than historically has been the case.
- The local area has put in place a joint diversionary panel to combine the work of the police, youth offending team and social workers. These services have supported young people with SEND well. They have provided early intervention for those at risk of offending and informed them of the consequences of breaking the law. This work has contributed to a 50% reduction in first-time entrants to the criminal justice system within the last year.
- The Designated Clinical Officer (DCO) actively promotes a focus on SEND with professionals, parents and carers, and young people. Young people are excited about the formation of Young Voices, which the DCO has positively contributed to. This has the potential to increase the voice and influence of

young people.

- The Liaise team works well with families to try to resolve issues about provision for children and young people with SEND. The most recent parent carer forum survey of parent satisfaction with the Liaise service was very favourable. The number of tribunals to resolve disputes between the local authority and parents has reduced in the last year.
- The proportion of children and young people with SEND who access short breaks is higher than seen nationally. Young people's feedback following these breaks is very positive.
- The take-up of personal budgets is high. This enables families to purchase appropriate support to meet the needs of children and young people.
- The local authority's oversight of the children and young people who are educated out of the area is good. They check the quality of provision and promote good attendance at annual reviews. This group of children and young people make good progress.

Areas for development

- The achievement of key stage 2 pupils with SEND in Lincolnshire was below that of similar pupils nationally in 2017 in reading and mathematics. Similarly, those with SEND who are looked after did not do as well as other pupils nationally by the end key stage 2 in 2017.
- The joint strategic needs assessment does not contain enough local health information to help commissioners plan future services to meet children and young people's health needs. In addition, local area leaders do not know how many EHC plans have specific health provision to help inform current local operational decisions.
- The proportion of young people at age 19 who receive SEND support and who gain a level 2 qualification in English and mathematics has fallen and is below the national average.

Yours sincerely

Martin Finch
Her Majesty's Inspector

Ofsted	Care Quality Commission
Emma Ing	Ursula Gallagher
Regional Director	Deputy Chief Inspector, Primary Medical Services, Children Health and Justice
Martin Finch	Deborah Oughtibridge
HMI Lead Inspector	CQC Inspector
Stephanie Innes-Taylor	
HMI	
Alison Farmer	
Ofsted Inspector	

Cc: Department for Education
Clinical commissioning group

Director Public Health for the local area
Department of Health
NHS England

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Extract of SEND Steering Group Action Plan related specifically to the areas of development identified through the Ofsted/CQC Inspection of Special Educational Needs and Disabilities

Area for Improvement	How	By when	Lead	Where are we now?	RAG rating
To improve SEN attainment and progress in the primary phase, with a focus on Reading and Maths	Focused work with schools to enhance the support for pupils with SEND.	31.08.20	Martin Smith/Paula Williams	December 2018 - Funding from successful bid for £500k is being used to deliver a targeted school improvement project this academic year to raise attainment of pupils in receipt of SEN support.	Amber
The proportion of children who have been identified as having a moderate learning difficulty in primary schools is higher than seen nationally. Focus on developing a shared understanding of this to ensure that the category of need is being accurately identified and recorded.	Ensure accurate coding within the Schools Census to avoid the category of MLD being misused as the primary need.	31.08.19	Kate Capel	December 2018 - A Task and Finish Group has been implemented to develop clear guidance and descriptors for schools in Lincolnshire for recording pupils' needs by clarifying each term so that categorisation of need, using these specific terms, is consistent across settings. Guidance document is currently in draft form. Guidance Document builds on the DfE descriptors, but has been updated and developed to provide clear guidance for	Amber

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				settings on how to identify the need that is primary and the parameters that must be met for each category.	
To improve the quality of Education, Health and Care Plans.	Specific focus on improving health outcomes in EHC Plans.	31.08.19	Kate Capel/Health DCO	December 2018 - An Associate Designated Clinical Officer Job Specification and Job Description which has been agreed in principal by the CCGs. This role will provide critique/commentary/challenge on clinical report writing in order to improve quality of report writing and reduce variability.	Amber
To increase the completion rate for the Health Visitor mandatory assessments at two and a half years.	Improve timeliness and completion rates of the mandated health reviews as part of the delivery of the Healthy Child Programme through the Children's Health Service 0-19, with a specific focus on timely and integrated delivery of the two and a half year review to ensure early identification of children's needs	31.08.19	Linda Dennett	December 2018 - Comprehensive action plan to address this area for improvement: - A recent pilot for the 8-12 month visit has seen an increase in performance to around 80% from 31% - Currently rolling out this new arrangement for all 8-12 month reviews across the county.	Amber

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To promote ensure that the Local Offer is known about and useful to families and professionals.	Review the content and structure of the Local Offer and engage with families to ensure it meets their needs. Undertake active promotion.	31.08.18	Jonas Gibson	<p>December 2018 - Project Plan and working group established.</p> <p>All content and structure has been reviewed and through engagement it was agreed to refresh both SEND content and the structure, to streamline sections and to have a single entry point.</p> <p>New navigation system in place making easier to move around the offer. In addition new pathway model and content for Transitions.</p> <p>Local Offer Booklet has been reviewed and refreshed.</p>	Amber
Establish systems of leadership that are effective in ensuring that all managers are held to account for improvements to services.	Develop clear lines of accountability that report to both the Local Authority and Clinical Commissioning Groups.	31.12.18	Sally Savage/Sheridan Dodsworth	<p>December 2018 - Governance arrangements established to ensure that actions/areas for development are monitored and managed through the SEND Steering Group and the SEND Health Committee and reported to the newly established Children's Services' Quality Assurance Board and the Women and Children's Board.</p>	Green

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<p>Increase understanding of health needs by improving local health information in the JSNA to help commissioners plan future services to meet children and young people's health needs.</p>	<p>Focus work on the data that is available locally and use relevant prevalence data available nationally. To be supported by the Integrated Commissioning Team.</p>	<p>31.08.19</p>	<p>Carly Willingham/Russell Outen-Coe</p>	<p>December 2018 - The Children's Integrated Commissioning Team is now fully established and working with colleagues across LCC and health to identify data sets available locally to improve health information.</p> <p>The Designated Clinical Officer is working closely with health colleagues to improve recording and reporting of the SEND cohort across health, engaging through the East Midlands DCO network, working with the SEND Service and health colleagues to design the new EHC hub system and looking at ways to record and report SEND health data.</p>	<p>Amber</p>
<p>To reduce the waiting time for children and young people requiring neurodevelopmental/autism diagnosis and ensure that appropriate support is in place.</p>	<p>Develop a new diagnostic and support pathway for neurodevelopmental delay disorders for CYP to improve timeliness of autism diagnosis</p>	<p>April 2020</p>	<p>Sally Savage/CCG</p>	<p>December 2018 - At the request of the joint Local Authority and NHS System Executive Team (SET), a Partnership Steering Group has been established across the council, Lincolnshire's Clinical Commissioning Groups and the three NHS Providers to design a new</p>	<p>Amber</p>

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				model of support for children with behavioural and neurodevelopmental delay concerns. This will include new pathways for Autistic Spectrum Disorder (ASD), Attention Deficit Hyperactivity Disorder (ADHD) and other neurodevelopmental delay disorders such as Tourette's syndrome.	
To increase the number of pupils at age 19, who receive SEND Support, gain a level 2 in English and mathematics.	Work with Post 16/FE providers to understand the reasons why this cohort of young people have fallen below national average and identify appropriate mechanisms to increase relevant support.	31.08.20	Kate Capel/Post 16 providers	December 2018 - This is being addressed through the FE Strategic Group.	Red
To increase the timeliness of completion of initial health assessments for looked after children.	The development of an effective plan to rectify the delays so that health needs of children and young people coming into care are identified and assessed quickly.	30.04.19	John Harris /CCG	December 2018 – The LAC health steering group has agreed a revised process for the completion of the IHA.s. This involves a named business support employee who will track all required consents and paperwork at the commencement of any placement. Health staff will	Red

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				have access to MOSAIC in order for them to ensure timeliness of referrals and monthly management oversight of progress is in place. Further training of GP's is scheduled to better ensure coverage across County.	
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Agenda Item 7



Policy and Scrutiny

Open Report on behalf of Debbie Barnes OBE, Executive Director of Children's Services

Report to:	Children and Young People Scrutiny Committee
Date:	18 January 2019
Subject:	Children Missing Out on Education Annual Report 2017/18

Summary:

This report invites the Children and Young People Scrutiny Committee to consider the 2017/18 annual report on Children Missing Education in Lincolnshire.

Actions Required:

The Children and Young People Scrutiny Committee is invited to consider the attached report and suggest recommendations for improvement for future annual reports.

1. Background

The local authority has a statutory duty to ensure that all children receive an education that is suitable to their age, ability, aptitude and any special educational needs they may have. To meet this duty, the local authority has a number of processes that monitor children out of education, and ensure that these children return to education as soon as possible. A decision was made in 2016 to produce an annual report that collates this information that allows analysis of data and processes that informs future change.

The full report is attached in Appendix A. It outlines all the processes that monitor children who are missing out on education together with the data for 2017/18.

2. Conclusion

Following consideration of the attached report, the Committee is requested to consider whether it wishes to make any comments or recommendations in relation to future reports.

3. Consultation

a) Have Risks and Impact Analysis been carried out?

The report is a summary of data and processes, therefore it has not been

necessary to carry out a risk and impact analysis.

b) Risks and Impact Analysis

Not Applicable

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Annual Report 2017/18 Children Missing Out on Education

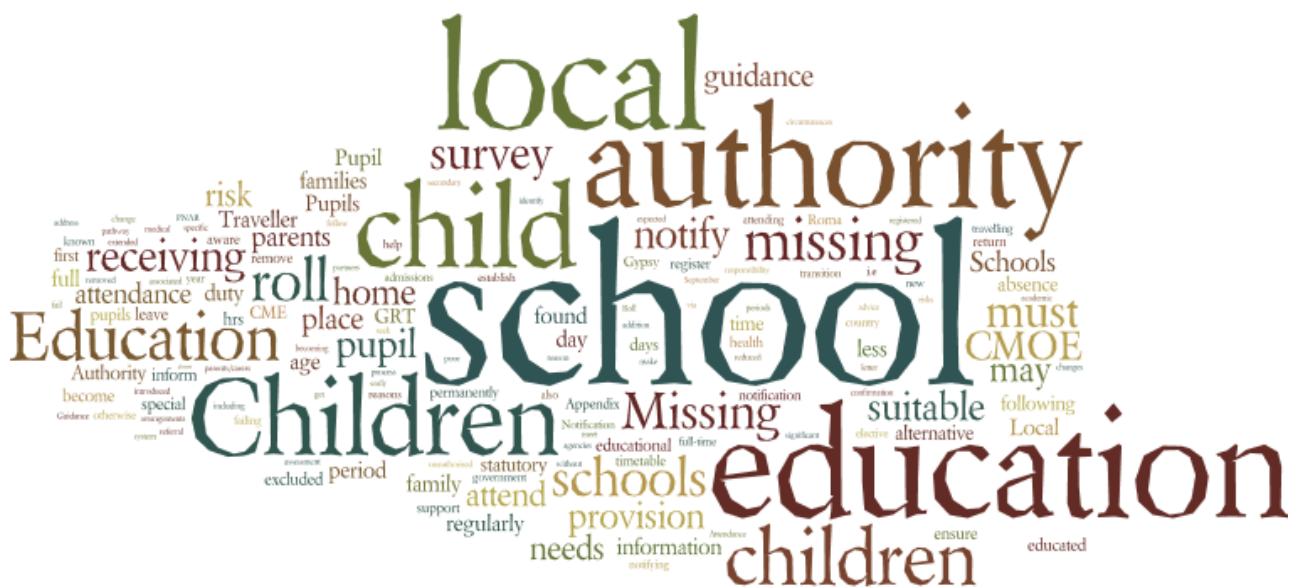
5. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Jill Chandar-Nair, who can be contacted on 07717320089 or jill.chandar-nair@lincolnshire.gov.uk.

Children Missing Out on Education

Annual Report 2017/18



Author: Jill Chandar-Nair, Inclusion and Attendance Team Manager

Service Area: Inclusion and Attendance, Education Support

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1. Background

The local authority has a statutory duty to arrange suitable full-time education for children of compulsory school age at school or otherwise. This education must be suitable to their age, aptitude and any special educational needs they might have. The local authority have a duty under **section 436A of the Education Act 1996** to make arrangements to establish the identities of children in their area who are not receiving a suitable full-time education, as described.

The groups of children who are identified as being at an increased risk of missing out on education are:

- **Children Missing Education (CME)**
children who are not on roll of a school
- **Children who are electively home educated (EHE)** where parents are failing to provide a suitable, efficient education that meets the needs of their child
- **Children not attending regularly**
 - pupils who have not attended school for a period of 10 consecutive school days and their absence has been unauthorised (**PNAR**)
 - pupils for whom a fixed penalty notice has been issued due to persistent absence/unauthorised leave
 - pupils whose parents are being fined or prosecuted due to their child's poor attendance
- **Pupils receiving less than 25 hrs of education per week**
pupils who are not receiving a full time education e.g. medical needs

This report focuses on the current processes set up to capture data in relation to the above groups of children. This year it will also provide information on children who are employed or in entertainment and at potential risk of not receiving a suitable education.

2. Summary of Trends

This table represents a summary of the changes from last year – appendix 1 contains the year on year comparison data.

	Trend 16/17 to 17/18	Comments
Children Missing Education (CME)		
Total Referrals	Actual: 1214 22% decrease	In 2016/17 children who did not take up their mid-year place but were on a school roll were considered as CME if they did not take up the new place. This practice was not used in 2017/18 as the risk of CME was very low and the new on off roll system captured school movement, hence the decrease. The percentage closure rate and those remaining open remains constant. The number of cases closed within 5 days has increased due to improved search tools and better reporting by schools
Closed current year cases	Actual: 910 0.2% increase	
Cases closed within 5 days	Actual: 330 increase 4.9% increase	
Total cases open at end of year	Actual: 277 0.2% increase	
Elective Home Education (EHE)		
Total referrals	Actual: 995 19.5% increase	The number of EHE referrals continues to increase although there is a decline in the rate of increase. There were 196 more children processed as starters or closed, than last year. The rate of suitable judgements has decreased slightly whilst unsuitable has increased particularly due to little or no evidence.
New Starters	Actual: 628 21% increase	
Closed	Actual: 488 21% increase	
Suitable education	Actual: 546 16% increase in number, 5% decrease in % of total reports	
Suitable with reservations	Actual: 37 17% decrease 3% decrease in % of total reports	
Unsuitable	Actual: 38 28% decrease Actual no evidence: 81	
Fixed Penalty Notices (FPN)		
FPNs issued	Actual: 2235 211% increase	The number of requests to issue a FPN for 2017/18 has increased 211%. Schools are increasingly using this as a strategy to address unauthorised holidays during term time. It is unlikely that a prosecution would follow an unpaid FPN unless this is a repeat offence or child is also a persistent absentee.
FPNs paid	Actual: 1435 246% increase	
FPNs unpaid	Actual: 473 71% increase	
FPNs proceeding to prosecution	Actual: 69 50% increase	
Prosecutions		
Total prosecutions	Actual: 85 37% decrease	The number of prosecutions has decreased due to changes in process. Prosecution due to unpaid FPN will roughly match persistent absence 1 st offence prosecution as there now needs to be a repeat offence to be considered.
Prosecutions – unpaid FPN	Actual: 69 25% increase	
Persistent absence – 1st	Actual: 73 52% increase	
Persistent absence - aggravated	Actual: 12 100% increase	
ESO and SAO	Actual: 5 0% increase/decrease	
School Absences		
Lincolnshire Absence rate	Actual: 4.7% 0.1% increase	There has been an increase in absence nationally apart from authorised absence which has remained constant.
Unauthorised absence	Actual: 1.1% 0.2% increase	
Authorised absence	Actual: 3.7% 0% increase/decrease	

3. Notification of children who are missing out on education (CMOE)

2016/17 saw the introduction of online surveys that allow schools to notify the local authority of children who are or may be at risk of missing education. Schools, including academies and independent schools, now use the CMOE Notification survey to let the local authority know of a child who is CME, EHE, PNAR and receiving less than 25hrs of education per week.

3.1. Notification of school joiners and leavers

In September 2016, the government published the new statutory guidance *Children Missing Education* in which it outlines the duty of schools to report to the local authority when a child joins and leaves their school. Since November 2016, our schools have been requested to provide this information through the 'On Off Roll notification survey'. Once received, the local authority matches leavers and joiners; where a child is not matched, further enquiries are made with schools, to ensure that they have used the notification survey as required. If the child's whereabouts cannot be confirmed, the child is considered as missing education and the search for this child is supported through the child missing education process.

In September 2017, the DfE introduced two new files for schools to use as part of the process for informing the local authority of children joining (CMJ) and leaving (CML) a school. Most school management information system (MIS) providers have now built the use of these files into their system and schools are therefore able to easily provide the local authority with the data it requires. The schools can also access a 'School Notification report' on a weekly basis; this informs the school of the children that the local authority believe to be in their school allowing them to easily compare against their own registers of children.

Despite the fact that the process for informing the local authority of leavers and joiners has become easier, during 2017/18, the use of the on off roll notification survey significantly dropped with 136 schools showing more than 10% missing movement compared with 17 schools in 2016/17. There were 27 schools that were fully compliant by notifying the local authority of all children who had joined or left their school. There were 51 schools who had not notified the local authority at all. In total, there were 2216 leavers and 8013 joiners of whom the local authority had not been notified.

There is now a plan in place to address this starting in September 2018. All school data administrative staff will be contacted to inform them of their duty to comply and support will be offered, including training events. Resetting of data using October census information will take place for all schools. Non-compliance letters will be sent to Head Teachers should they fail to comply with their duty.

4. Children Missing Education

Since November 2016, schools have used the notification survey to report a child as missing education. Other authorities who wish to report a CME, refer directly to the CME team. In 2017/18 **1214** CME notifications were received, **890** were reported by Lincolnshire schools, **324** were referred from out of county. In 2016/17, children who did not take up a mid-year application place but were on a school roll were considered as CME if they did not take up the place. This increased the numbers reported. For 2017/18 this did not happen as it felt that the risk of becoming CME for these children was low due to the newly introduced on off roll system which captures school movement. There remains a significant disparity in numbers of CME across local authorities depending on their classification of a child missing education making it difficult to compare Lincolnshire data.

In 2017/18 there were 227 cases of a CME child being in the CIN process (this may not correlate to the number of CIN CME children if there is more than one episode within the year). 2.36% had an EHCP. Schools are requested to complete a risk assessment when reporting a child as CME. This is to support the team to prioritise and raise concerns with other service areas when required. In 2017/18 71 children were classed as red rating (known to social care, a victim of crime etc.) 269 amber and 123 green.

There are three stages to the process for finding children missing education, initially, systems are checked by the CME Tracker to see if the child is in a school, awaiting a school place, known to have an Education Health Care Plan and awaiting a school place or known to other service areas. If a child is still not located or not found in education within 5 days, this information is shared with Safeguarding and Education Welfare Officers for further investigations to take place including contacting parents and home visiting if necessary. If the location of the child remains unknown, the referral is returned to the CME Tracker for routine checks.

In 2017/18 28% of CME cases were found within 5 days of recording, 27% were found after 5 days with further investigation with 19% requiring involvement of a safeguarding and education welfare officer. 2.2% were closed as the child reached statutory school leaving age leaving 22% remaining open. CME from previous years continue to be searched for and found in education, 131 children who were reported as missing education in 2016/17, were found in education in 2017/18.

In 2017 Her Majesty's Revenue and Customs (HMRC) introduced a process which allowed local authorities to report a CME child to them following which they will inform the local authority if the family is still living at the same address, a different address or not found. The conditions are that the child must have been CME for 12 weeks and that a recent home visit had been carried out prior to the referral. Lincolnshire began this process on the 5th February 2018. From this date until 31st August, 84 families (118 children) had been referred

to HMRC, 41 children were found at new address, 35 children were not known to HMRC and 39 were at the same address. Those at the same address were then contacted by HMRC, 16 were subsequently not found at their current address. It is perhaps too early to measure the full impact of the introduction of this process however, blanket emails in relation to CME from other authorities have not increased which may indicate that local authorities have more information on the exact location of the children missing from their area.

5. Children not attending regularly

5.1. School Assurance

As a local authority, the main concern is a school absence that is unauthorised by the school.

Most recent data 2016/17	Lincolnshire unauthorised absence	National unauthorised absence
All schools	1.1%	1.3%
Primary	1.0%	1.1%
Secondary	1.2%	1.5%

Unauthorised absence rates have increased for both primary and secondary; national figures have also increased. The rate of unauthorised absence compares favourably with the national unauthorised absence rates for 2016/17.

Whilst many more Lincolnshire schools are un-authorising absences due to family holidays, hence the increase in issuing of FPN's, Lincolnshire's authorised absence rate remains higher than national. This may be due to the fact that they are still authorising absences where other authorities may not, resulting in a higher authorised absence but a lower unauthorised rate.

There were 59 primary schools and 18 secondary schools who had higher than national average unauthorised absence, higher than national average persistent absence or both. These schools become the focus of the work around addressing poor attendance with the aim of seeking assurance that the high absence rate in the school was being addressed and advice and support was offered, where appropriate. In May 2018, these schools were requested to send information from their school development plan or other plans that could evidence that the high absence rate was being addressed. At the beginning of the 2018/19 academic year, there remained 8 secondary schools and 24 primary schools where further assurance was still required.

5.2. Pupils not attending regularly: 10 consecutive days unauthorised absence

The Children Missing Education guidance September 2016 stated that schools should agree with the local authority, an interval at which they will inform the local authority of a pupil that fails to attend regularly. To support this, a notification survey has been designed that allows schools to notify the local authority of any child who has been absent from school without permission for more than 10 consecutive school days. In 2017/18 there were 195 entries from 53 different schools. Schools are supported to explore all possible strategies to return the child to school or alternative provision and, where appropriate, the local authority writes to parents on behalf of the school reminding them of their duty and requesting the child returns to school.

6. Fixed Penalty Notices (FPN)

Where a child has unauthorised absence of more than 4.5 days over a six week period, schools are permitted to request the issue of a penalty notice. There were 2237 FPN's issued in 2017/18, a more than 3 fold increase compared to the previous year. This possibly indicates an increase in parents choosing to remove their child from school during term time but equally demonstrates the number of schools who now feel confident to use an FPN as a strategy to address unauthorised absence in their setting. Payment within 21 days has increased to 64%.

Lincolnshire is required to complete an annual return to the DFE as part of the Parental Responsibilities- Attendance data collection.

7. Prosecutions for non- attendance

Over the 2017/18 period, 85 cases were presented to the courts for poor attendance. This is a decrease from 2016/17 due to the reduction in unpaid FPN cases proceeding to prosecution. Whilst schools are following a legitimate pathway to address unauthorised absences, it became increasingly difficult to justify this if the child's attendance following the absence was good. Therefore it was agreed that all unpaid FPN's resulting in a request to prosecute would be screened. Where it is in the public interest to proceed i.e. child has persistent absence, a previous FPN has been issued and unpaid, or there may be an impact on the future attendance of siblings, the prosecution would proceed. For first offence unauthorised absences due to holiday, the local authority send parents a warning letter, outlining that, should there be a second unpaid FPN in the future, there is a high likelihood that this will proceed to a prosecution should the school request this. As this is the first year that this has been implemented, it is likely that the number of prosecutions next year will increase, as some parents will continue to take an authorised holiday during term time and

therefore will fall into the category of repeat offence, justifying a progression to prosecution, if FPN unpaid.

To support schools manage their attendance, workshops are provided twice a year. These are well attended and received. The use of FPN's and prosecutions continues to be a valid tool for addressing non-attendance due to family holiday. Where there is persistent and long term non-attendance, this might not be the right or only strategy; in 2018/19 there will be a focus on ensuring early help is in place to support the holistic needs of child and family that are presenting as barriers to attending full time education at school.

8. Children receiving less than 25 hrs of education per week

Throughout 2017/18, 266 children were reporting by schools as receiving less than 25 hrs education. A total of 66 schools reported, 46 primary, 16 secondary, 3 special and 1 alternative provision.

The legislation states that all children have a right to a full time education. Whilst this is generally defined as 25 hours per week, academies do not have to stipulate the hours per week and therefore this will be changing to children on reduced timetables. If at any point in a child's education, it is deemed that he/she is not capable of doing a full time education due to medical needs, the school must inform the local authority. The school must indicate how and why the reduced hours are in place and for how long.

A reduced timetable protocol is currently being drafted. Within the protocol it will outline the expectations of schools to report and update information on children receiving a reduced timetable and also how the local authority will monitor. The expectations are, but not limited to, notifying the local authority of all children who are on reduced timetables (when they are the main school), setting a review date of 6 weeks and uploading a personal plan. Monitoring will include looking at the length of time child is on a reduced timetable, that a plan is in place and challenging schools where a reduced timetable is incorrectly used.

9. Children who are electively home educated

Since November 2016, schools have used the off roll notification survey to let the local authority know when a parent is removing their child from school to home educate. At the end of the academic year 2017/18 there was 995 EHE children known to the local authority. This is an increase of 19.5% on the previous year although the rate of increase has slowed down. The main reasons given by parents for choosing EHE is bullying and general dissatisfaction with the school. A survey carried out by ADCS reported in October 2017, that there could be as many as 45,500 children being home educated in England. Whilst the report does not yet give a full picture of the number of EHE children nationally, it tells us

that a sample of 5 county councils reported an average of 1060 EHE children in 2016. Future data may allow us to confirm our comparative position.

As part of the process, the family can receive a visit from an education officer and an Education provision advisor. The increase in number of visits performed by advisors reflects the increase in numbers overall. Parents may provide a submission rather than have a visit; number of submissions received, although still relatively low, has increased. For every visit or submission, the advisors make a judgement on the education being provided. The number of suitable judgements given has dropped again this year compared with previous year, although remains significantly higher than other judgements. The number of visits receiving unsuitable has increased, particularly as a judgement where no or insufficient evidence has been provided. In May 2018 the judgement of 'suitable with reservations' was removed, hence the small number that fall into this category this year.

The number of EHE children in Child Protection (CP), Child in Need (CiN) and Team around the Child (TAC) has decreased compared with the previous year. There are currently a number of parents who appear to have been encouraged or choose to be electively home educated to avoid actions around non-attendance or other sanctions. More often than not, the child is not educated at home resulting in a return to school. During this time, support in relation to the child's needs stops making it increasingly difficult to reintegrate the child back into mainstream school. There is some work currently taking place to look at transition of needs including step up or down from social care for children who leave mainstream education to be educated at home to ensure that the needs of the child continue to be met and that appropriate support is offered during the education welfare initial visit or through existing early help provision.

10. Children who are in employment and entertainment

Early in 2018, the local authority prosecuted a parent for failing to ensure that their child received an education whilst working. This has been a test case and has demonstrated the importance of ensuring that children who are employed do so according to the statutory guidance particularly when it comes to the time and length of employment and the safety of the duties they carry out. The local authority issued 288 employment licences in 2017/18, these licences would be issued once the local authority has checked the legality of the work and that there are no major concerns in relation to school attendance. There will be many children employed without a permit, therefore the local authority continues to put the message out to schools, pupils, parents and employers about the importance of this legislation.

The local authority also issues performance licences (306 in 2017/18) including body of person approvals (104 approvals for 4400 children). Whilst participation in performances should be encouraged, it can impact on the amount of time a child is out of school.

Appendix 1

Children Electively Home Educated

Reported August 2018

	2015/2016			2016/17			2017/18		
School Age Group	Pri	Sec	Total	Pri	Sec	Total	Pri	Sec	Total
Current number EHE	258	428 (111 yr 11's)	686	305	527 (136 Yr 11)	832	361	631 161 (Yr 11)	995
School Population	57245	46925	104170	58581	46714	105806	58759	46382	105141
% of School Population	0.45%	0.91%	0.66%	0.52%	1.13%	0.79%	0.61%	1.36%	0.95%

Starters and Leavers	2015/16	2016/17	2017/18
Number of new starters	415	518	628
Number closed	371	402	488

EHE Advisor visits and outcomes	2015/16	2016/17	2017/18
Number children visited	577	675	931
Number families visited	484	526	800
Number of submissions reviewed	55	89	98 + 81 no evidence
Number of suitable (visits/submissions)	414 (371/43) 86% of total reports	470 (414/56) 83% of total reports	546 (454/92) 78% of total reports
Number of suitable with R (visits/submissions)	47 (39/8) 9.6% of total reports	45 (33/12) 8% of total reports	37 (33/4) 5% of total reports
Number of unsuitable (visits/submissions)	21 (17/4) 4.4% of total reports	53 (32/21) 9% of total reports	38 (37/1) 5% of total reports 81 no evidence) 11% of total reports
Cancelled or rearranged visits	173	165	304* ¹

* ²	CIN	CP	TAC	EHC Plan/ Statement
2015/16	110	5	100	57
2016/17	114	9	78	57
2017/18	82	2	80	51

*¹ high number of cancellations due to weather conditions

*² a child may have more than one episode as CIN, CP or TAC

Children Missing Education

Reported August 2018

Summary							
		2015/16	%	2016/17	%	2017/18	%
Total referrals		1143	100	1489	100	1214	100
CME closed by 31.08.2016		825	72.18%	n/a	n/a	n/a	n/a
CME closed by 31.08.2017		986	86.26%	1114	74.8%	n/a	n/a
CME closed by 31.08.2018		990	86.61%	1245	83.61%	910	75%
CME still open on 31.08.2016		281	24.7%	n/a	n/a	n/a	n/a
CME still open on 31.08.2017		101	8.84%	n/a	n/a	n/a	n/a
CME still open on 31.08.2018		87	7.61%	338	12.36%	277	22.8%
Above *SSA on 31.08.2016		37	3.24%	n/a	n/a	n/a	n/a
Above SSA on 31.08.2017		56	4.9%	37	2.49%	n/a	n/a
Above SSA on 31.08.2018		66	5.77%	60	4.03%	27	2.2%

	In County				Out of County				Total			
	2015/16	Open	Closed	Reached School Leaving Age	Total	Open	Closed	Reached School Leaving Age	Total	Open	Closed	Reached School Leaving Age
Primary	105	347	0	452	73	144	0	217	178	491	0	669
Secondary	65	232	30	327	38	102	7	147	103	334	37	474
Total	170	579	30	779	111	246	7	364	281	825	37	1143
%	21.82% ¹	74.33%	3.85%		30.49%	67.58%	1.92%		24.58%	72.18%	3.24%	

	In County				Out of County				Total			
	2016/17	Open	Closed	Reached School Leaving Age	Total	Open	Closed	Reached School Leaving Age	Total	Open	Closed	Reached School Leaving Age
Primary	178	569	0	747	52	127	0	179	230	696	0	926
Secondary	69	326	23	418	39	92	14	145	108	418	37	563
Total	247	895	23	1165	91	219	14	324	338	1114	37	1489

¹ SSA statutory school age

%	21.20%	76.83%	1.97%		28.09%	67.59%	4.32%		22.70%	74.82%	2.48%	
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	In County				Out of County				Total			
	2017/18	Open	Closed	Reached School Leaving Age	Total	Open	Closed	Reached School Leaving Age	Total	Open	Closed	Reached School Leaving Age
Primary	118	398	0	516	49	148	0	197	167	546	0	713
Secondary	84	272	18	374	26	92	9	127	110	364	27	501
Total	202	670	18	890	75	240	9	324	277	910	27	1214
%	22.70%	75.28%	2.02%		23.15%	74.07%	2.78%		22.82%	74.96%	2.22%	

CME process	2015/16	% of total	2016/17	% of total	2017/18	% of total
Closed within 5 days by Tracker	327	29%	618	41.5%	350	28.8%
Closed after 5 days by Tracker	408 65 (since 2016/17)	35%	332	22.3%	330	27.2%
Closed following SEWO involvement	241 87 (2016/17)	21%	164 40 (2017/18)	11.0%	230	19%
Remained open	101	10.%	337	22.6%	277	22.8%
Closed not found by end of year 11	56	5%	37	2.5%	27	2.2%
Total	1143	100%	1488	100%	1214	100%

	2014/15		2015/16		2016/17	
	Lincolnshire	England	Lincolnshire	England	Lincolnshire	England
Total Absence rate	4.6%	4.6%	4.4%	4.6%	4.7%	4.7%
Unauthorised absence rate	0.9%	1.1%	0.9%	1.1%	1.1%	1.3%
Authorised absence rate	3.7%	3.5%	3.5%	3.4%	3.7%	3.4%
Primary Unauthorised absence rate	0.7%	0.9%	0.8%	0.9%	1.0%	1.1%
Secondary Unauthorised absence rate	1.0%	1.3%	1.1%	1.4%	1.2%	1.5%
% of schools higher than average unauthorised absence rate	24.7%	-	20.5%	-	21.7%	-
Number of primary schools with higher unauthorised rate	-	-	-	-	59	-
Number of secondary schools with higher unauthorised rate	-	-	-	-	18	-

Prosecutions	2014/15	2015/16	2016/17	2017/18
Total Prosecutions	92	105	117	85
Prosecutions due to unpaid FPN's	39	59	55	69
Persistent absence – 1st Prosecution	47	37	48	73
Aggravated – 2nd Prosecution	3	1	6	12
Withdrawn	0	6	0	5
Education Supervision Orders	0	1	4	4
School Attendance Orders	1	1	2	1

Pupils not attending regularly: 10 consecutive days unauthorised absence

Pupils not Attending Regularly (PNAR)	2016/17 (since April 2017)	2017/18
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No. received through survey	63	195
No. of schools	16	53
Primary	-	20
Secondary	-	29
Special/Pru	-	5

Pupils not attending regularly: Fixed Penalty Notices and Prosecutions

Fixed Penalty Notice Summary	2014/15	2015/16	2016/17	2017/18
Total FPNs issued	859	849	719	2237
FPNs paid within 21 days	583	497	414	1435
FPNs paid within 28 days	1	1	1	14
FPNs unpaid	211	232	276	473
FPNs withdrawn	64	120	28	153
FPNs proceeding to legal	39	60	46	69

	Fixed Penalty Notice Summary	2015/16	2016/17	2017/18
1	Total FPNs issued for unauthorised absence	849	719 (741)	2237
1a	Total FPNs issued: main reason-family holiday		503	1953
1b	Total FPNs issued: main reason- late	-	0	0
1c	Total FPNs issued: main reason: other unauthorised	-	238	284
2	FPNs paid within 21 days	497	414 (439)	1435
3	FPNs paid within 22-28 days	1	1 (5)	14
4	FPNs withdrawn	120	28(42)	153
4a	FPNs withdrawn as issued outside the terms of the local code of conduct	-	11	4
4b	FPNs withdrawn as ought not to have been issued to the named recipient	-	26	49
4c	FPNs withdrawn as notice appears have material errors	-	2	27
4d	FPNs withdrawn as after 28 day expiry, penalty is unpaid and LA do not wish to bring legal proceedings	-	3	73
5	Cases prosecuted following non payment	60	58	69
6	Unresolved	-	196	93
7	FPNs unpaid	232	276	473

Agenda Item 8



Policy and Scrutiny

Open Report on behalf of Debbie Barnes OBE, Executive Director of Children's Services

Report to:	Children and Young People Scrutiny Committee
Date:	18 January 2019
Subject:	Grammar School Transport – 2018 Review

Summary:

In March 2016 the Children and Young People Scrutiny Committee (CYPSC) published a report into its wide-ranging investigation into the Council's grammar school transport policy. The 2016 report is attached as **Appendix A**. One outcome of the report was that the Council's Executive opted to leave the policy as it was but asked for a review and update after 2 years. This report is that updated review.

Actions Required:

The Committee is invited to

1. note and comment on the outcomes of the 2018 review;
2. support the continuation of the existing policy in relation to grammar school transport.

1. Background

- 1.1 There are 16 secondary grammar schools in Lincolnshire, including one school (Spilsby King Edward VI School), which is described as a 'bi-lateral' school, and which has a 'grammar stream' but is otherwise not a selective entry school. All of the 15 other schools select all their pupils for entry at age 11, that is, year 7.

The schools are:

- Alford Queen Elizabeth Grammar School
- Boston Grammar School
- Boston High School
- Bourne Grammar School
- Caistor Grammar School
- Gainsborough Queen Elizabeth Grammar School
- Grantham the King's School

- Grantham Kesteven and Grantham Girls' School
 - Horncastle Queen Elizabeth Grammar School
 - Louth King Edward Grammar School
 - Skegness Grammar School
 - Sleaford Carre's Grammar School
 - Sleaford Kesteven and Sleaford Selective Academy
 - Spalding Girls' High School
 - Spalding Grammar School
 - Spilsby King Edward VI Academy (partially selective)
- 1.2 The administration of the examination for selection of children for grammar schools (the '11+') is conducted by a consortium of the grammar schools themselves. The Lincolnshire Consortium of Grammar Schools (LCGS) is not linked to the Council. The selection process is open to all parents of children in Lincolnshire. The school admission process is coordinated by the Council but the places are offered by the schools themselves, using their own admissions criteria.

Transport entitlement to Lincolnshire's grammar schools

- 1.3 The transport entitlement policy for grammar schools has not changed since the CYPSC review and report was published in 2016. For reference, the policy is summarised below.
- 1.4 Secondary-age transport entitlement in Lincolnshire is based on the statutory duty to provide transport to the nearest secondary school to a home address subject to the school being over three miles away (this is known as 'the statutory walking distance'), and also on the Council's own policy to provide transport (free up to age 16/subsidised from age 16-18) to the 'Designated Transport Area' (DTA) school for the address the pupil resides at on application, subject to the distance rule mentioned above. DTAs are geographical areas around schools, indicating school transport entitlement. There are DTAs for all the county's schools, primary and secondary, and grammar schools have their own DTAs. These DTAs are based on historic catchments we believe.
- 1.5 The Council's transport policy for grammar schools operates independently of the schools' own admissions criteria, and is under the control of the Council. Qualifying children are those who gain a place at a Lincolnshire grammar school and live in the Designated Transport Area (DTA) for the school, outside the statutory walking distance, with additional entitlement if a route to the school is under the statutory walking distance but cannot reasonably be walked. Entitlement to transport does not depend on score at the entry test or any other admission criteria laid down by the schools' own admissions authority, and is not income-based. However the statutory right to transport for a child from a low income family to one of the three nearest schools, subject to the school lying between 2 and 6 miles from the home address, also applies to children attending grammar schools.

- 1.6 Any school-age child living in a grammar school DTA who has a place at the named grammar school is entitled to school transport to the DTA school if they live beyond the walking distance or meet any of the other criteria for entitlement mentioned above.
- 1.7 Although each of the County's sixteen grammar schools has its own DTA, the DTAs do not cover the whole of the county area of Lincolnshire, as can be seen from the map of the grammar school DTAs in the policy booklet. The policy booklet is attached as **Appendix B**. Approximately 25% of the county area is not covered by the grammar schools' DTAs. That part of the county has DTAs only for all-ability secondary schools, which do not select children for admission. These schools, also known as 'comprehensive' schools, have their own DTAs and there is no overlap in this specific area of their DTAs with grammar school DTAs. DTAs for non-selective schools cover the whole county area, because children who are not attending grammar schools will attend schools which do not have selective admissions criteria. By these arrangements, all secondary-age children in Lincolnshire who could not be expected to walk to school receive a transport entitlement to their nearest or 'designated' secondary school.
- 1.8 In summary, children in Lincolnshire are entitled to transport to their nearest suitable school if it is over the statutory walking distance, but also to a DTA school if they live within the designated transport area (DTA) for a particular school. There are DTAs for primary and secondary all-ability schools and DTAs for the county's grammar schools, as well as for sixth forms and colleges of further education. Grammar schools have their own DTAs, and the map of grammar school DTAs in Lincolnshire (based on historic catchments, we believe) is shown in the attached map as **Appendix C**, taken from the transport policy booklet.

What's changed since 2016?

- 1.9 Local Policy
In terms of the local policy there has been no change to the transport policy since the report of the CYPSC in 2016. The Lincolnshire policy remains to offer free transport to young people living in the designated transport area (DTA) for their grammar school. This entitlement is not subject to income and is qualified only by the criteria on walking distance (3 miles for secondary school children – amended where a low income threshold and proximity to a school of choice allows a statutory entitlement as mentioned above).
- 1.10 National Policy
In terms of the national policy there has been some movement regarding expanding the number of grammar school places but no new primary legislation relating to transport. Much of the debate has focused on access to grammar schools for children from low income families and this is commented on later in this report in the context of Lincolnshire.

1.11 Numbers and costs of transport

The numbers of pupils receiving school transport to the counties grammar schools together with costs and the aggregate cost as at September 2018 is given in the table below:

Grammar School	Daily Total as at 11/09/18	Annual Total (based on 190 days)	Daily Cost Per Pupil			Pupils on Transport as at 11/09/2018
			Min	Max	Avg	
Alford Queen Elizabeth Grammar	£792.91	£150,652.90	£1.70	£29.50	£4.07	195
Boston Grammar	£684.05	£129,969.50	£2.10	£19.00	£3.23	212
Boston High School	£791.91	£150,462.90	£2.10	£92.00	£3.41	232
Bourne Grammar School	£520.98	£98,985.52	£1.63	£10.50	£2.80	186
Caistor Grammar	£573.56	£108,976.34	£3.39	£10.47	£4.59	125
Grantham The King's School	£812.61	£154,395.53	£2.19	£50.00	£3.49	233
Horn castle Q.E Grammar	£1,349.24	£256,355.89	£2.72	£28.00	£4.15	325
Kesteven & Grantham Girls School	£915.58	£173,960.69	£2.19	£108.58	£3.71	247
Kesteven & Sleaford Selective Academy	£571.46	£108,576.76	£1.67	£6.91	£2.38	240
Louth King Edward VI	£1,150.79	£218,649.74	£3.39	£37.00	£4.68	246
Queen Elizabeth's School, Gainsborough	£971.91	£184,662.16	£3.90	£12.00	£2.95	329
Skegness Grammar	£357.09	£67,847.05	£2.79	£17.03	£3.13	114
Sleaford Carres Grammar School	£752.12	£142,902.35	£1.40	£20.18	£2.84	265
Spalding Girls High	£1,367.62	£259,847.25	£2.27	£29.50	£3.69	371
Spalding Grammar	£1,329.68	£252,638.96	£2.27	£34.12	£4.23	314
Spilsby King Edward Vi Academy	£448.42	£85,199.80	£3.50	£48.00	£6.69	67
2,544,083.35						3701

1.12 By comparison with 2016 Table (2016 Report p.11) the above table shows an increase in total annual cost of £59,899.85 with 170 fewer pupils being

transported. This is not as a result of diminution of entitlement but parents and the schools making alternative arrangements in some cases.

- 1.13 Table 1 above is interesting in several respects. The average cost of transporting the pupils is modest, with a range between £ 2.38 a day and £6.69 a day. This is quite modest and not significant or more costly than other mainstream transport. The majority of entitled pupils travel by bus or coach directly to their school from a pick-up point. Some children are provided with feeder transport to a bus or more direct transport, due to living in locations that are remote or off bus routes, but the council makes the arrangements as required.

Current issues relating to the policy

Access and cost

- 1.14 A concern of the government in recent months has been the issue of access to grammar schools for children whose parents aspire to a place for their child(ren) where the family has a low-income. There are two aspects to access – proximity to and admission to a grammar school, and transport support to enable attendance. The issue of expansion of places in grammar schools is a national political matter, rather than a local issue. However this issue itself became focussed on access for children from low-income families.
- 1.15 A recent government policy initiative proposed to provide funds to local authorities which have grammar schools to enable them to meet any demand for transport that might be there has been discussed. At present though, neither Lincolnshire nor other local authorities receive any funding from Government to help pay for transport specifically to grammar schools. If such funds were forthcoming, Lincolnshire would be an immediate beneficiary, since it already provides transport for all pupils attending its grammar schools if they live within the DTA of the school concerned.
- 1.16 Lincolnshire's grammar school transport policy is based upon DTAs as described above, and entitlement is based on residence in the DTA of the named grammar school. The statutory entitlement to transport to one of the three nearest schools between 2 and 6 miles also applies, where the test of low income can be met. But essentially, the issue of affording transport access to a grammar school does not exist in the DTA grammar school areas of Lincolnshire, since entitlement is given purely on residence in the DTA. The Council's officers are not aware of any cases of Lincolnshire resident children being unable to access a Lincolnshire grammar school place due to prohibitive costs of transport. It is certain that if such a situation were to arise in Lincolnshire (unlikely since there is free transport for grammar school children in the county's DTAs) then the officers would be made aware of it.
- 1.17 In the areas of the County which are not covered by grammar school DTAs, as explained above, children resident in these areas do not have an entitlement to free transport to a grammar school, because they live in areas

with DTAs for schools which do not select pupils by ability. They do have transport rights that are similar, but to their nearest and/or designated suitable all-ability school. The Council's officers are aware that some pupils living in these non-grammar school DTAs do attend grammar schools, and use the public transport system to access the school in most cases.

Concern expressed locally

- 1.18 Much of the concern expressed at the policy has been from individual councillors, who have acted after receiving representation from parents.
- 1.19 There has been very little direct public expression of concern at the policy to the Council's officers, or through its appeal or complaints policies, either before the CYPSC in 2016, or since that time. Prior to 2016 the public concern was expressed by a small number of parents who lived near to Grantham and Bourne respectively, but outside a grammar school DTA for their address. They were consequently unable to benefit from the grammar school transport policy. That local concern largely prompted the Council's 2016 CYPSC review and report.
- 1.20 Since March 2016 there have been two appeals for transport to a grammar school by parents who could not secure an entitlement since the school was not the nearest suitable school to the home, and the family home was in each case outside the relevant DTA. Both appeals were not upheld. In both cases it was ascertained that a service bus (fare-paying) was available to the parents to make use of. These post 2016 cases were in other areas of the County not covered by grammar school DTAs.
- 1.21 More recently, a grammar school pupil wrote to her councillor expressing her concern that she could not qualify for free transport from outside a grammar school DTA to her grammar school of choice. The Director responded explaining the policy in some detail to the pupil.

Comparison with other local authorities – update

- 1.22 The 2016 Review carried out by the CYPSC included a review of the policies (or absence of them) for pupils in other English Local Authorities (LAs) which had grammar schools. The report noted that none of the other Shire county authorities which had grammar schools had an unqualified entitlement to transport support to grammar schools. Most of the other authorities qualified any support by limiting it to the nearest local school (the 'proximity' rule), for example in Essex, Kent, and Medway. Others offered transport on a paid-for, but not always subsidised, basis, for example in Buckinghamshire and Warwickshire. Two small unitary authorities maintain a free transport provision to a nearest grammar school where it is not the nearest secondary school. No changes to other authorities' policies have been noted since 2016.

- 1.23 Lincolnshire's policy is unique in that home to school transport is automatically provided free of charge to secondary-age pupils if they live in the DTA for the named grammar school and they meet the walking distance criteria. The same legal safeguards also apply to grammar school children as to other children in respect of safe routes to school and disability. If a child attending a grammar school and who would otherwise qualify for transport could not walk a route to school due to the unsuitability of the route or due to a disability which prevented them from walking, then transport would also be provided, even if the route was within the statutory walking distance. That is not the case with other LAs which have grammar school transport arrangements, where the entitlement is firmly stated as discretionary and limited.
- 1.24 The Lincolnshire policy on grammar school transport is thus legally compliant (this was confirmed at the 2016 review and nothing has changed that status since then), but is also future-proofed against any requirement to provide transport to a grammar school on low-income grounds. Beyond the current statutory duty to offer an enhanced choice of school to low income families, there is no wider income criterion that exists for the provision of grammar school transport and the Council should be able to benefit from any changes to duties in the future which might require LAs to provide transport for pupils from, for example, low-income families to their nearest grammar school or widen the distance criteria beyond 6 miles for support.

2. Conclusion

- 2.1 The grammar school transport support policy in Lincolnshire has not changed since 2016;
- 2.2 The policy is widely viewed as suitable to meet the needs of children and parents, and attracts little comment. The policy and provision is heavily used by parents and children in the county, and ensures access to schools;
- 2.3 The Council's policy is more generous than that offered by any other local authority that provides transport support to grammar schools, and is widely understood;
- 2.4 The cost of providing the service is budgeted for and is in line with costs for other mainstream transport provision, in terms of average cost per pupil;
- 2.5 There has been no change in national statutory requirements in respect of grammar school transport. Recent (2017/18) national discussion has been about expanding the numbers or numbers of places available at grammar schools, which is a matter outside the Council's current remit. However, a related proposal was made by the government to provide funds for local authorities to provide transport to grammar schools for children from poorer backgrounds. It is understood that at the present time this proposal has not been progressed. However, the Council does

provide transport irrespective of income and so should be able to meet any new criteria that might be introduced, and should benefit from any funding available.

3. Consultation

a) Have Risks and Impact Analysis been carried out?

Not Applicable. This is a review of existing policy and no new proposals.

b) Risks and Impact Analysis

Not Applicable as above.

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	CYPSC Report on Grammar School Transport Policy, 2016
Appendix B	Lincolnshire County Council Transport policy, 2018/19 booklet
Appendix C	DTA map showing grammar school DTAs

5. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by David Robinson, who can be contacted on 01522 553259 or david.robinson@lincolnshire.gov.uk.



Review of the Council's Home to School Transport Policy in relation to Discretionary Grammar School Transport



*A Review by the Children and Young
People Scrutiny Committee
March 2016*

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Chairman of the Task and Finish Group

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Introduction

Foreword by Councillor Mrs Jackie Brockway, Chairman of the Task and Finish Group



This review has looked at the current policy for home to school transport to grammar schools to determine whether the policy is fair, affordable and consistent. The Grammar School Transport Policy, which is discretionary and has been in place for over 30 years, is provided as an additional benefit to enable more pupils to access a grammar school education. The review has identified that there are a wide range of views concerning the current Grammar School Transport Policy with some considering it to be fair as it is, but for others it is viewed to be unfair and discriminatory, particularly for those who live in areas not covered by grammar school Designated Transport Areas. The Task and Finish Group has examined school transport policies at other councils and has found that a number of councils have already decided to stop providing free transport to grammar schools. Several options have been identified for changing the Grammar School Transport Policy to address the issues identified and these are set out later in the report.

Finally, I would like to thank all the Members who took part in this Task and Finish Group for their dedication and support during the review, and to also thank the officers involved, in particular David Coleman, Sally Savage, David Robinson, Vincent Van Doninck, Tracy Johnson and Rachel Wilson for their support throughout the review. I would also like to thank all the Headteachers, Chair of Governors, parents and Youth Cabinet members who met with us, and the parents who took the time to submit a written response to the review.

A handwritten signature in black ink that reads "Brockway".

Cllr Mrs Jackie Brockway

Task and Finish Group Members

The Task and Finish Group also consists of the following Members:



Cllr Chris Brewis



Cllr Colin Mair



Cllr Charmaine Morgan



Cllr Mrs Marianne Overton



Cllr Mrs Christine Talbot



Cllr William Webb



Cllr Paul Wood



Cllr Ray Wootten

Executive Summary, Conclusions and Recommendations

The scrutiny review into the Council's Home to School Transport Policy in relation to Discretionary Grammar School Transport was established in June 2015 with the intention of ensuring that the Council is providing a fair, consistent and affordable discretionary transport policy in relation to grammar schools across the county.

During the previous year, a group of parents in villages north of Grantham had campaigned for changes to the Home to School and College Transport Policy in respect of transport to the county's Grammar Schools. Following representations by the parents, and meetings with their representatives and the local MP, Councillor Mrs P A Bradwell, Executive Councillor for Adult Care and Health Services, Children's Services, asked the Children and Young People Scrutiny Committee at its meeting on 24 April 2015 to review the grammar school entitlement policy and consider whether any changes could and/or should be made to meet the parents' requests, and what the implications of changing the policy would be on schools, cost, and parents.

This review was carried out between September 2015 and February 2016. As part of the review, the Task and Finish Group met eight times, during which it has reviewed the current discretionary Grammar School Transport Policy and the costs involved in providing this policy, examined grammar school transport policies at other councils with grammar schools, and held an engagement day with Headteachers and Chair of Governors of a selection of grammar and non grammar schools, parents, campaign groups, and the Youth Cabinet. The Task and Finish Group has also examined a range of options for changing the current Grammar School Transport Policy to address the issues and concerns raised by parents, schools and young people.

The Council's Executive is not able to review the statutory elements of the Home to School and College Transport Policy, and as other discretionary elements of the policy are considered minor and as it is believed that the transport policy as presently constituted meets the needs of pupils, parents and young learners in the county, this review was limited to an examination of the efficacy of the Grammar School Transport Policy in meeting the needs of parents and children in the county and whether the scope of the present Grammar School Transport Policy should be changed.

Conclusions

From the evidence and findings detailed in the report, the Task and Finish Group has drawn a number of conclusions:

- The current Grammar School Transport Policy is lawful and is being administered correctly within the law.
- There is a wide range of views regarding the fairness of the current Grammar School Transport Policy. The majority of the stakeholders who met with the Task and Finish Group consider the current policy to be unfair for those who live in the areas not covered by grammar school Designated Transport Areas (DTAs). Some of those who attended the Engagement Day represented parents living in non-grammar school DTAs. There are also a number of parents who currently receive free transport to a grammar school who are concerned about losing their free entitlement if the policy was changed.
- Amending the Grammar School Transport Policy to include those areas outside the designated transport areas for grammar schools could potentially have a negative impact on the all ability schools in those areas. Expanding the Designated Transport Areas for the grammar schools into these areas could result in the all ability schools losing some of the more able pupils that they would currently attract which would have an adverse effect on those schools' examination results, pupil numbers and in turn, the level of funding received.
- The long term affordability of the current Grammar School Transport Policy is a concern, especially with the increase in the number of primary school pupils in certain areas of the county which in the next few years will start to come through into secondary schools. In addition,

grammar schools that have converted to academies are able to increase their Published Admission Number (PAN) which the Council has no control over and could potentially impact on the future affordability of the policy.

- The Council is under severe financial pressure and there is no extra funding available to extend the policy to areas currently outside the grammar school Designated Transport Areas. A number of other councils with grammar schools in their areas have now stopped providing free transport to grammar schools, except to fulfil a statutory duty, in order to deliver savings.
- There was no consensus reached by the Task and Finish Group on whether the policy should remain the same or be amended. Two members of the Task and Finish Group objected to the recommendation to the Executive.

Recommendation

The Task and Finish Group submit the following two options to the Executive for its consideration:

- Option 1 - To leave the Grammar School Transport Policy as it is, but review it in two years.
- Option 5 - Charge pupils living in grammar school DTAs for transport to a grammar school where it is not the nearest suitable school. This should be introduced to new pupils, excluding pupils with siblings at the same grammar school, on a phased basis with some level of financial support for pupils in receipt of free school meals.

Establishment of the Task and Finish Group

Councillor Mrs P A Bradwell, Executive Councillor for Adult Care and Health Services, Children's Services, asked the Children and Young People Scrutiny Committee at its meeting on 24 April 2015 to review the Grammar School Transport Policy and consider whether any changes could and/or should be made, and what the implications of changing the policy would be on schools, parents, and costs. The Children and Young People Scrutiny Committee agreed at its meeting on 5 June 2015 that there was a need for a scrutiny review to investigate the current Grammar School Transport Policy to ensure the Council's home to school transport policy for grammar schools complies with legislation, is perceived as fair, and is consistent and affordable.

The Overview and Scrutiny Management Committee agreed at its meeting on 18 June 2015 to establish a Task and Finish Group to conduct this scrutiny review, and the following objectives were approved:

To review Lincolnshire County Council's present policy on free transport to the County's grammar schools in respect of:-

- a) *The existing entitlement criteria for home to school transport for grammar schools and the need for any geographical or other changes;*
- b) *Children across the County have access to grammar school education – does this automatically mean they are entitled to free school transport;*
- c) *Whether the policy creates any unfairness, real or perceived;*
- d) *The cost of the present policy;*
- e) *The potential costs or savings resulting from any changes; and*
- f) *Potential implications for all schools as a result of any changes.*

National and Local Context

What is the National Policy on Home to School Transport?

The Education Act of 1996, as amended by the Education and Inspections Act of 2006, section 508, 509 and Schedule 35B puts forward the statutory requirements that all councils within England responsible for school transport must follow regardless of the circumstances (hereafter referred to within this report as the statutory proximity rules).

A council has a statutory duty to make such travel arrangements as it considers to be necessary to ensure an eligible child's attendance at school. In general terms, under the 1996 Act a Council must provide transport to and from school for a child aged 5 to 16 between its home address and the nearest qualifying school, under certain conditions. It states that children are eligible to free transport if they are attending their nearest qualifying school and their address is located further than the statutory walking distance (2 miles for children up to age 8 and 3 miles for children aged 8-16). The statutory walking distance is dis-applied if the child could not be expected to walk a distance due to a disability or learning disability.

Furthermore, children entitled to free school meals and from low-income families are eligible to free transport if they attend a school between 2 and 6 miles and one of their three nearest suitable qualifying schools. If the child attends a faith school and they are from a low-income family, then the distance increases to between 2 and 15 miles. Children from low-income families have been defined in multiple ways within the Councils' home to school transport policies, but generally they can be described as such: in order to be qualified as a child from a low-income family, the parent or carer has to be receiving either Income Support, Income-based Job Seeker's allowance, Child Tax Credit whilst having an income below £16,190 per annum, State Pension Credit or the maximum level (i.e. not reduced to income) of Working Tax Credit. These children are therefore entitled to an additional level of transport assistance.

Paragraph 15 of Schedule 35B of the 1996 Education Act (inserted by the Education and Inspections Act 2006) defines the meaning of a qualifying school and lists them as:

- Community, foundation or voluntary schools;
- Community or foundation special schools;
- Schools approved under section 32 (non-maintained special schools);
- Pupil referral units;
- Maintained nursery schools or
- City technology colleges, city colleges for the technology of the arts or academies

Statutory Guidance ("Home to School Travel and Transport Guidance – Statutory Guidance for Local Authorities") issued in July 2014 expands this statutory definition by stating that the duty extends to the nearest suitable school which it describes as the nearest qualifying school with places available that provides education suitable to the age, ability and aptitude of the child and any special educational needs of the child.

In law, a qualifying school is simply a school falling within the list set out in the Act.

Although grammar schools are not explicitly listed as a qualifying school they do not need to be. A grammar school is a qualifying school if it falls into one of the categories of school organisation set out in the list of qualifying schools. A grammar school is not a different category of school organisation. It is simply a school designated as such by the Secretary of State by order, under section 104 of the School Standards and Framework Act 1998.

The Department for Education has attempted to clarify the relationship between a grammar school and the concept of a suitable school introduced in the statutory guidance with the statement that a grammar school can be considered a suitable school in appropriate circumstances. The Department for Education's advice to the Ombudsman is:

"If a parent has a particular interest in their child attending a grammar school or the child has an aptitude for a subject, then a grammar school, or a school that specialises in the subject for which the child has an aptitude, may be more suitable for the child than others, but it doesn't mean that it is the only suitable school or that a non-grammar school or a school without that specialism is unsuitable."¹

A council has discretion to provide transport to those children who do not qualify under the statutory duties (Section 508C of the 1996 Act as amended). The guidance issued to local authorities gives them discretionary powers to provide transport to children who are not automatically entitled to free transport. The guidance states that it is for local authorities to decide whether and if it will apply its discretion and offer transport support to non-entitled learners. Discretionary transport support does not have to be provided free of charge. It is under this discretionary power that the Council provides grammar school transport to a grammar school which is not a child's nearest school.

What is the Local Policy on Home to School Transport?

The Home to School and College Transport Policy is published annually by Lincolnshire County Council, in line with statutory requirements. It is amended as required by changes in the law or by decisions taken by the Council to change aspects of the policy. The Council may only amend those elements of the policy which are at its discretion. Statutory requirements in respect of school transport must always be met.

Entitlement to school transport in Lincolnshire is based on the statutory duties outlined above, and the Council's own policy to provide free transport to a school from an address in a Designated Transport Area (DTA) for a particular school, subject to the walking distance criterion of 2 or 3 miles being met. A DTA is an area around a school, indicating a transport entitlement. The Council has DTAs for:-

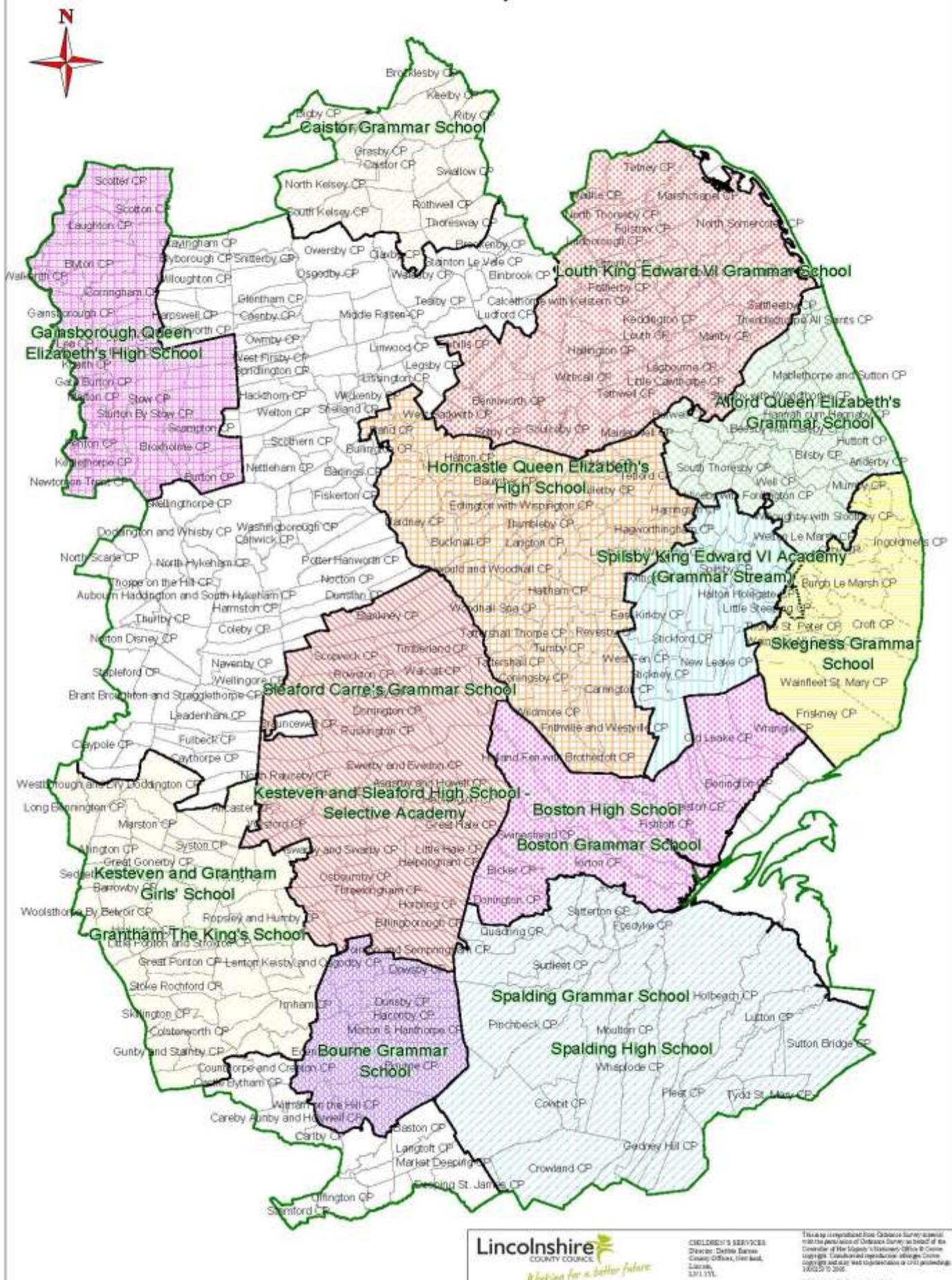
- Primary mainstream schools
- Secondary grammar schools
- Secondary non-grammar mainstream schools
- Sixth form centres
- Colleges of further education

Each of Lincolnshire's 16 grammar schools has their own DTA. The DTA map for grammar schools is set out on the next page. Parents of children in any part of Lincolnshire (or beyond) can elect for their children to sit the 11+ test for entry to a grammar school, but qualification for free transport provision depends on meeting the policy criteria. However, approximately 25% of the county does not have DTAs for grammar schools. These areas are in the DTAs for non-grammar secondary schools. This policy is of long-standing, and dates back at least 30 years, possibly more.

Some members of the Task and Finish Group felt that the boundaries between the grammar school DTAs and the 25% not covered by the grammar school DTAs could not be rationally justified. Others felt that they accurately reflected the fact that Lincolnshire has selective and non-selective areas. It was noted by the Task and Finish Group that on occasions when individual challenges for grammar school transport had been raised, the home address was nearer to a non-selective school than to the nearest grammar school.

¹ Ombudsman Letter to Lincolnshire County Council 13 November 2013

Grammar School Designated Transport Areas as at February 2015



Although the Council's policy comprises both statutory requirements and discretionary provision, the Council's Grammar School Transport Policy is within the discretionary area of the policy. Grammar school transport and post 16 transport are examples of discretionary transport support provided by Lincolnshire County Council. There is no statutory requirement to provide or pay for transport to a grammar school, unless the school is the nearest school over 3 miles to a pupil's home. Otherwise, grammar school transport is discretionary transport provided free of charge to pupils qualifying under the policy up to the end of year 11. Post 16 transport to a school or a college is discretionary transport supplied to pupils/students qualifying under the policy provided a student/parental contribution is made towards the cost.

The Council is able to create a charge within its transport policy for any and all discretionary transport, and does so for post 16 transport and also for concessionary transport, which is the provision of spare seats on Council-contracted transport services for non-entitled pupils. There is no specific guidance on the level of transport charges in the guidance to local authorities, but the guidance does say that any charges levied should be 'affordable'. It is also a general principle in public service provision that a Council should not make a profit on charging for its discretionary services. The Council does not make any profits on the transport services it provides.

The current annual cost of grammar school transport, projected to the 31/03/2016, is £2,484,183.50 as set out in the table below. With a total of 3871 pupils currently receiving free grammar school transport, this works out at an approximate average cost of £640 per pupil.

	Daily Total @ 16/12/15	Annual Total (based on 190 days)	Min	Max	Average	Pupils On Transport @ 26/01/2016
Alford QE Grammar	£ 672.08	£ 127,695.20	£ 3.24	£ 31.20	£ 6.17	217
Boston Grammar	£ 566.24	£ 107,585.60	£ 2.05	£ 20.10	£ 3.13	186
Boston High School	£ 637.72	£ 121,166.80	£ 2.05	£ 12.00	£ 3.01	224
Bourne Grammar School	£ 619.13	£ 117,634.70	£ 1.63	£ 14.32	£ 2.68	251
Caistor Grammar	£ 537.87	£ 102,195.30	£ 2.43	£ 60.00	£ 4.01	138
Grantham The Kings	£ 736.71	£ 139,974.90	£ 2.50	£ 23.58	£ 3.56	232
Horncastle Q.E Grammar	£ 1,546.54	£ 293,842.60	£ 2.63	£ 19.50	£ 5.02	377
Grantham KGGS	£ 819.82	£ 155,765.80	£ 1.82	£ 69.20	£ 3.53	260
Kesteven & Sleaford Selective Academy	£ 823.05	£ 156,379.50	£ 1.40	£ 13.77	£ 3.00	297
Gainsborough Q.E	£ 1,480.65	£ 281,323.50	£ 3.50	£ 25.00	£ 4.84	340
Skegness Grammar	£ 426.94	£ 81,118.60	£ 3.20	£ 12.25	£ 3.99	133
Sleaford Carres Grammar	£ 887.65	£ 168,653.50	£ 1.40	£ 64.00	£ 3.31	304
Spalding Girls High	£ 1,414.33	£ 268,722.70	£ 2.39	£ 29.50	£ 3.80	421
Spalding Grammar	£ 1,238.89	£ 235,389.10	£ 2.64	£ 35.90	£ 3.68	426
Spilsby King Edward VI Academy	£ 667.03	£ 126,735.70	£ 3.66	£ 134.71	£ 13.90	65
£ 2,484,183.50						3871

Until recently, there has been little or no criticism or complaint about the policy, since all children are entitled to transport to a DTA or nearest school if that school is over 3 miles. However, in the last two years there have been complaints from people in a few areas in the south of the county and north of Grantham claiming that the policy is unfair and discriminatory, because, although they have gained a place for their child, they do not live in a grammar school DTA and therefore have to pay for transport.

The Council has successfully defended its policy to the Ombudsman in the recent past. In January 2016, the Ombudsman has provided a decision on two complaints it received which claimed that the policy was unfair and discriminatory. The complainants did not live within the DTA for a grammar school and therefore were not entitled to free transport. As a result, they claimed that they were treated unfairly when the Council refused them free transport to a grammar school and were discriminated against as they lived in one of the few areas that do not provide free transport to a grammar school. The Ombudsman found no fault on either complaint as the policy is publicly available on the Council's website which also includes maps that clearly show which areas are in and out of DTAs for grammar schools.

What have we found out?

Grammar School Transport Policies at Other Councils

There are currently 163 grammar schools within England, of which 16 are located within Lincolnshire. The remaining 147 grammar schools are located within 34 other local authority areas which are as follows:-

1. Barnet Borough Council (London)
2. Bexley Borough Council (London)
3. Birmingham City Council
4. Bournemouth Borough Council
5. Bromley Borough Council (London)
6. Buckinghamshire County Council
7. Calderdale Council
8. Cumbria County Council
9. Devon County Council
10. Enfield Borough Council (London)
11. Essex County Council
12. Gloucestershire County Council
13. Kent County Council
14. Kingston-upon-Thames Borough Council (London)
15. Kirklees Council
16. Lancashire County Council
17. Liverpool City Council
18. London Borough of Redbridge (London)
19. Medway Council
20. North Yorkshire County Council
21. Plymouth City Council
22. Poole Borough Council
23. Reading Borough Council
24. Slough Borough Council
25. Southend-On-Sea Borough Council
26. Sutton Borough Council (London)
27. Telford and Wrekin Council
28. Torbay Council
29. Trafford Council
30. Walsall Council
31. Warwickshire County Council
32. Wiltshire Council
33. Wirral Metropolitan Borough Council
34. Wolverhampton City Council

An overview of these councils can be found in Appendix 1. A comprehensive analysis has been undertaken of all the councils responsible for arranging transport to at least one grammar school. Their respective home to school transport policies have been examined, with particular attention placed on finding special transport provisions for selective schools. The use of transport areas to decide transport eligibility was another point of analysis, due to the extensive Designated Transport Areas used in

Lincolnshire County Council's Grammar School Transport Policy and the need to compare Lincolnshire's policy with other councils' home to school transport provisions.

Lincolnshire County Council has a particular form of Grammar School Transport Policy that is unique within England. Not only do grammar schools within the region have their own Designated Transport Areas (DTA) to determine transport eligibility, they are also created on a separate map, distinguishing themselves from other secondary schools and their DTAs. This analysis will demonstrate the uniqueness of this extensive discretionary policy.

Of the 34 councils, 7 were disregarded after the first stage of the analysis. The London Boroughs [Barnet (Hertfordshire), Bexley, Bromley, Enfield (Hertfordshire), Kingston-Upon-Thames (Surrey), Redbridge (Essex) and Sutton (Surrey)] were not examined any further, due to the London Mayor's Oyster Card Initiative. Children aged between 11 and 15 years old are eligible for an 11-15 Zip Oyster Photo card which enables them to travel free on buses and trams. The Oyster card also permits the user to pay a child rate on Tube, DLR, London Overground, TfL Rail and most National Rail services in London.

Of the 27 remaining councils, 16 councils explicitly mention grammar schools or selective schools within their respective Home to School Transport Policy document. This signifies that 11 councils solely follow their statutory requirements in regards to school transport for grammar school pupils and do not specify whether they regard a grammar school as the nearest qualifying school in any situation.

The other 16 councils do refer to 'grammar schools' or 'selective schools' within their policy. The majority of these policies make it clear within their wording that they do not provide any discretionary provisions for grammar school pupils. These include Devon County Council and Walsall Council which are highlighted below:

"There is no additional entitlement to transport on the grounds that the school attended is selective. The Local Authority is not obliged to have regard to a parent's preference for the child to attend a selective school when arranging transport."²

"Travel assistance for children attending a selective school is only provided where the child meets the eligibility criteria because of the home to school distance requirement or low family income."³

In other words, their policies regard a grammar school as the nearest qualifying school only if the pupil has been accepted into the school, and the proximity rules (that is, it is the nearest school further than 3 miles from the pupil's home address) have been followed.

Buckinghamshire County Council, which is entirely selective, does not feel it needs to provide any additional transport measures because it believes an "*upper school provides adequate education for a GS qualified pupil*"⁴.

Some councils no longer provide discretionary transport services designed for grammar school pupils. Poole Borough Council in Dorset discontinued their discretionary services to selective schools in 2006 and fully implemented the statutory proximity rules.

This research has only been able to locate 6 other councils that provide specific discretionary measures for grammar school qualified pupils, creating additional levels of transport eligibility. These councils are Kent County Council, Essex County Council, Southend-On-Sea Borough Council, Trafford Council, Medway Council and Warwickshire County Council. An analysis of their policies is set out

² Devon County Council, Education Travel Policy, April 2015

³ Walsall Council, Home to School Travel Assistance Policy, May 2015

⁴ Buckinghamshire County Council School Transport Policy and Guidance, September 2015

below. Southend-On-Sea Borough Council has not been expanded upon due to its similarity in policy with Essex County Council.

Essex County Council

Essex County Council can be defined as a council responsible for a large area, covering 1,338 square miles and including approximately 1,396,600 people. This large area contains just four selective grammar schools. Nevertheless, special provisions have been put forward for grammar school qualified pupils within the Essex Education Transport Policy.

The policy mainly tends to follow the statutory requirements in regards to transport, with the general proximity rules also applying for selective schools:

"If your chosen selective school is closer than your designated (catchment) secondary school, as measured by the nearest road route, and you reside at least 3 miles from the school, then you will qualify for free transport."⁵

However, the policy exceeds its statutory requirements by creating a discretionary policy for children from low-income families attending grammar schools. Free transport to selective schools will be given to children either entitled to free school meals, where the child's household is in receipt of Income Support or Income Based Job Seekers Allowance, or the family is in receipt of Child Tax Credit and the annual household income does not exceed £16,190, regardless of where the child's address is located. The only other official requirement is that the child should live further than 2 miles away from its preferred selective school.

In 2014, only 77 grammar school pupils benefitted from this additional discretionary transport. Nevertheless, it is important to note the potentially high cost arising from this provision regardless of the number of students using this measure. The omission of proximity rules signifies that a grammar school pupil from a low-income family can be funded for free transport to any grammar school of its choosing regardless of the distance that the child lives away from the school and regardless of whether this child attends the nearest qualifying school. This creates the potential for excessive transport costs for a small number of children.

A consultation in 2013 proposed to ban a range of discretionary transport provisions, which were not solely related to grammar schools. However, out of the six proposals made within the consultation to reduce discretionary provisions, the transport scheme for low-income children to selective schools was the only scheme eventually rejected by the Council. All other measures, which would create a smaller, less inclusive yet more cost-efficient transport policy, were accepted at that time.

Catchment areas, formerly a vital part of the transport policy, are now no longer mentioned within the policy document. Over the last two years, Essex County Council has moved from using either catchment areas or the nearest qualifying school as a guideline, to only the nearest qualifying school.

Southend-On-Sea, a former component of Essex County Council, has a similar policy arranging free transport for students from low-income families attending a selective school, provided that they live further than 2 miles away from their preferred school.

Kent County Council

A large area (1,368 square miles) comprising of approximately 1,466,500 people, Kent is known as the largest remaining grammar school area in the country, with 33 wholly selective grammar schools and

⁵ Essex Education Transport Policy, August 2015

four partially selective schools. It is therefore not surprising to find special provisions for grammar schools within the County Council's transport policy.

There are many similarities to be found between Kent County Council's policy and Essex County Council's policy. In most circumstances, transport assistance to a grammar school will only be appropriate if it is the nearest secondary school and the child meets the entry requirements.⁶ However, their policy adds, comparable to the Essex policy, that the Council will provide transport to grammar schools for children from low-income families regardless of whether the school can be qualified as the nearest secondary school.

Kent's policy does however differ in two ways when compared to the Essex County Council's arrangements. Contrary to Essex, Kent's Home to School Transport policy puts a limit on the distance between the child's address and the nearest grammar school. It is also important to note that the Council only provides free transport to the nearest grammar school and does not simply provide transport to a preferred grammar school for children from low-income families.

In summary, children in the care of Kent County Council and children from low-income families who are entitled to free school meals will receive transport assistance to the nearest grammar school provided that the distance between their home and the school is between 2 and 15 miles.

Another key component of the policy is the 'Kent Young Persons Travel Pass'. The Young Persons Travel Pass replaced the Kent Freedom Pass⁷ from September 2014. The Young Persons Travel Pass enables students who are not directly eligible for free transport, in years 7-11, to use the public bus network of Kent, with no need to present cash on services. On production of a pass, a student can travel at any time between 06.00 and 19.00 Monday to Friday, during the academic year (until 31 July). It is a discretionary travel scheme provided by Kent County Council to promote sustainable home to school travel on the public bus network and has been taken up by 25,000 users across Kent.

Since the introduction of the pass, Kent County Council has struggled to maintain the service and its low costs for service users. Originally, a Young Persons Travel Pass would cost the user £200 per annum, which was reduced to £100 for low-income families and carers. However, increasing demand, budget miscalculations and increasing financial pressures have resulted in a budget deficit of £1.43m and subsequently an increase of the cost to £250 per annum starting from September 2015. The cost for low-income families, carers and those working in the local authority will remain at £100 per annum.

Medway Council

Medway Council is defined as a unitary council within the county of Kent. It has responsibility for a relatively small area (74.14 square miles) containing approximately 274,015 people. There are six grammar schools located within the area.

Medway Council deems grammar schools to be a different category compared to other secondary schools. In other words, a Medway grammar school will always be considered as the nearest qualifying school for a child who has been deemed to be of selective ability under the Medway Test Assessment procedures. However, Medway Council will usually reject most appeals for free transport to a grammar school that is not the nearest grammar school from the child's address, unless it can be proven that the child has previously unsuccessfully applied to the nearest grammar school and is requesting transport to the second nearest grammar school.

⁶ Kent County Council Home to School Guidance 2015/2016

⁷ £100 per pass and unlimited travel for students. The Kent Freedom Pass (KFP) was in deficit in both 2012/13 and 2013/14 and this trend continued into 2014/15 with increased journey numbers. There were in excess of 29,000 KFP passes in issue – each pass heavily subsidised by Kent County Council, with an average subsidy per pass of £450. It was a very generous and popular scheme, yet unsustainable in the long-term for Kent County Council.

Medway Council runs a similar scheme to Kent County Council with its own version of the Kent Young Persons Travel Pass, the Medway Youth Pass. The Youth Pass allows young people to receive a 50% discount on adult fares when travelling on any local bus service in Medway, with a one-off payment of £5.90 required.

Trafford Council

Another small area authority (40.94 square miles and around 232,450 people) that has created special arrangements for grammar school pupils similar to Medway is Trafford Council. Within this area, seven grammar schools can be found.

This Council also considers selective schools to be a different category compared to other secondary schools. This indicates that free transport will be provided to the nearest grammar school for which the child is eligible.

Within their Home to School Transport Policy, Trafford Council states that

"as a Local Authority that operates a selective system, all pupils are within the selective system whether they choose to be or not."⁸

Warwickshire County Council

The fifth and final notable council policy is the Warwickshire County Council Transport Policy. The Warwickshire area can be described as a medium sized area (763 square miles) with the Council responsible for providing services to around 546,500 people. There are six grammar schools within the area.

Special discretionary provisions are in place for students attending grammar schools in East and South Warwickshire. These pupils can consider a selective school to be the "nearest qualifying school" no matter what their location.

The Council currently works with two priority areas establishing transport boundaries for the six grammar schools. If a child resides in the Eastern Priority Circle it can receive free transport to Ashlawn Selective, Lawrence Sheriff School or Rugby High School. If the child resides in the Southern Priority Circle, it is eligible for free transport to Alcester Grammar School, King Edward VI School, or Stratford upon Avon Grammar School.

These two priority areas represents the closest resemblance to a separate grammar school mapping system such as the one created by Lincolnshire County Council. It could be argued that this policy is even more inclusive, due to it adding multiple grammar schools within one priority circle making the child's home address almost irrelevant as long as it is in either East or South Warwickshire.

However, Warwickshire County Council is currently in the process of decreasing its discretionary transport. A proposal was made in June 2015 to withdraw a number of discretionary provisions due to the current financial pressures. The discretionary element within their policy amounts to £2.9 million. The changes would save the Council up to £1.6 million if fully implemented. One of these proposed changes was to *"assess students attending grammar schools against the same criteria as all other children when assessing entitlement."*⁹

The Council undertook a formal consultation which proposed that a change in policy should occur and that the current discretionary policy should be phased out. This implies that current policy recipients will continue to benefit from free transport until they finish their education.

⁸ Trafford Home to School Transport Policy, January 2014

⁹ Consultation on Home to School Transport, Warwickshire County Council, June 2015

On 8 October 2015, the Warwickshire County Council Cabinet approved the proposed changes within the policy. An extract from the minutes of this meeting reads as follows:

"... from September 2016 new applications for free transport to grammar schools are assessed against the statutory eligibility criteria. Free transport to a grammar school would only be available if it was the nearest school to home with spaces and other relevant criteria were met – such as the distance from home to school."¹⁰

It is expected that 76% of students will lose their free transport benefits to grammar schools. Their calculations assume that 681 out of 892 students will no longer be eligible after the policy changes. However, due to the policy being phased out on a yearly basis, these numbers cannot be considered wholly accurate.

The changes would result in potential savings amounting to £342,000 per annum when the new policy is fully implemented. This full implementation is expected to happen from the 2020/2021 school year. The Council will continue to work with geographical priority areas alongside the statutory proximity rules, but the grammar school transport priority circles will no longer be applied from September 2016.

Catchment vs. Proximity

Despite the clarity of the rules set out in the Education Act of 1996, as amended by the Education Inspection Act 2006, complications occasionally arise when transport areas are operational within a region. Considering the high importance of the Designated Transport Areas in Lincolnshire, it is pertinent to examine the use of transport areas compared to the statutory rules outlined in the aforementioned Act.

In Lincolnshire, Designated Transport Areas (DTAs) are the cornerstone of the Home to School Transport Policy. Not only do they far exceed the old catchment areas from several years ago, they are separated into multiple distinctive maps. This has created a singular grammar school map, calculating the various DTAs for each one of the 16 selective schools in Lincolnshire. These DTAs overlap numerous comprehensive school transport boundaries, and cover around 70-75% of the entire Lincolnshire territory.

Throughout the last few years, a national shift away from transport areas towards the statutory proximity rules can be observed. Along with Lincolnshire County Council, only five other councils with grammar schools are shown to have a preference towards using transport areas, who are Bournemouth Borough Council, Devon County Council, Gloucestershire County Council, Torbay Council and Wolverhampton City Council.

There are six councils found within this research that use both the statutory rules and designated areas to determine transport eligibility. Evidence has been found in Warwickshire, Reading, Slough, Cumbria, North Yorkshire and Telford & Wrekin transport policies that these councils feel both systems have equal merit and can be used effectively as a combination.

The majority of councils responsible for grammar school transport do not expand their policy beyond the statutory requirements. Indeed, certain councils specifically stress within their policy document that "*there is no direct entitlement linked to catchment...*"¹¹

When examining school transport policies, it is noticeable that there is a shift away from transport areas (i.e. the old catchment areas) towards the proximity rules implemented from the amended Education

¹⁰ Minutes of the meeting of the Warwickshire Cabinet held on 8 October 2015.

¹¹ Buckinghamshire County Council School Transport Policy and Guidance, September 2015

Act. Lancashire County Council and Wiltshire Council are two examples of this shift. Lancashire County Council and Wiltshire Council currently work with geographical Priority Areas and Designated Catchment Areas respectively, alongside the proximity rules regarding transport eligibility. However, they are both currently in the process of phasing out the Priority Areas of the transport policy in favour of the statutory proximity rules.

Wiltshire Council's Designated Catchment Areas, as long as they are still operational, can serve as an example of DTAs creating unintentional discretionary transport services. Transport could technically be provided for a child to a grammar school that is not the nearest qualifying school. These catchment areas are all drawn out in different ways, creating an asymmetrical structure. Potentially, a child living in a grammar school 'Designated Catchment Area' could have another secondary school that is also further than 3 miles from its address yet closer than the designated grammar school for this location. This entails that legally the Council would not be obliged to provide free transport to this grammar school, yet provides discretionary transport for the child by using the old catchment areas to determine eligibility.

Another observation that can be made is that it is seemingly the preference of large areas (i.e. areas larger than 1000 square miles) to maintain the use of transport areas and 'transport area mapping tools' to determine transport eligibility. Of the four large statistical neighbours to Lincolnshire, when looking at transport statistics relevant within this analysis, only Wiltshire is moving away from transport areas towards the proximity rules. Cumbria County Council, Devon County Council and North Yorkshire County Council have all used transport areas as a central component within their policy.

Overall, it is clear that the old catchment areas and their former adoption within general transport policy documents have created some confusion. Certain councils have attempted to put together the statutory proximity rules from the 1996 Education Act with the former catchment areas. Bournemouth Borough Council is a prime example of a muddled policy originating from this confusion. Bournemouth claims within its guidance document that it provides transport only to the catchment school from the child's address if the address is further than 3 miles away from the school. It does not provide transport to any other school, according to this policy. However, this guidance document does not take into account the possibility of a child going to a school nearer to its address that has not been designated as the catchment school.

Stakeholder Views on Current Grammar School Transport Policy in Lincolnshire

The Task and Finish Group was keen to seek the views of different stakeholders on the current Grammar School Transport Policy to help inform its recommendations to the Executive. The Task and Finish Group initially planned to conduct surveys of parents and schools across Lincolnshire and meet with the campaign groups and youth groups. However, after consulting with the Community Engagement Team, the Task and Finish Group was informed that if the Executive agree to undertake a formal consultation on any policy changes, then there was a risk that the level of consultation which the Task and Finish Group wanted to undertake could jeopardise this formal process.

As a result, the Task and Finish Group decided to reduce its level of consultation to an Engagement Day which was held on 9 December 2015, with invitations sent to a sample of Headteachers and chair of governors from grammar and non-grammar schools, parents, campaign groups and Youth Cabinet representatives. The aim of the engagement was to find a sample of Lincolnshire residents that would put forward various differing points of view on the subject matter. Furthermore, the Task and Finish Group also collated the written views received from parents throughout the review. In addition, two of the Task and Finish Group members, Councillors Mrs Jackie Brockway and Chris Brewis, attended a meeting of the Youth Cabinet on behalf of the Task and Finish Group to hear wider views of young

people on grammar school transport.

This engagement centred mainly around two questions put forward by the Community Engagement Team, which the participants were encouraged to respond to.

Question 1:

In relation to the Council's Grammar School Transport Policy, have you any views/observations? Please explain any views you have.

Question 2:

On balance, have you any suggestions about whether any changes would make the policy better, clearer or fairer?

Headteachers' Views

During the Engagement Day, Steve Baragwanath (Principal of University Academy Holbeach), Shaun Barton (Assistant Headteacher of Spalding Grammar School), Andrew Fulbrook (Headteacher of Boston High School), Nick Law (Headteacher of Carres Grammar School), Roger Moore (Chair of Governors of Stamford Welland Academy), Anthony Partington (Principal of Stamford Welland Academy) and David Scott (Headteacher of Kesteven and Grantham Girls' School) attended to express their opinion on grammar school transport.

With regards to the first question, the Headteachers commented that they believed DTAs to be the primary issue within the County Council's policy and also felt it necessary for the policy document to provide more clarity in terms of what a suitable school would be in relation to grammar schools. Furthermore, there were concerns that if free grammar school transport was extended, grammar schools would have more pupils applying for places and some children who currently would be able to obtain a place at a grammar school would subsequently miss out. Finally, some of the participants felt uncomfortable by the notion that children from areas outside the grammar school DTAs are currently being excluded from getting into grammar schools on the basis of cost.

When asked to respond to the second question, one recurring point of view amongst the Headteachers was to remove all transport areas and create a policy which established free transport only to the nearest school. However, within the group there was also support for extending the DTAs to cover the whole county. The group did acknowledge the unintended consequences that this policy could create, and felt this could lead to the closure of many schools, with the most vulnerable schools around the edges of the county most at risk. In terms of funding, it was commented that selective schools were worse off and that all schools do not receive the same level of funding.

Within their final arguments, the group of Headteachers recognised that any change in policy would affect all schools in the county, and that the County Council needed to proceed with caution.

Parental Views

Written Statements

Throughout the process of this Task and Finish Group, parents have had the opportunity to comment on the possibility of any changes to the policy.

The majority of the responses received were from parents with children attending a grammar school. These parents tend to support the notion of maintaining or expanding the current DTAs. Outlined below are excerpts from some of the written parental responses which demonstrate some of the arguments

put forward by parents:

"The current Grammar school transport policy seems a sensible and fair solution for pupils that have gained entrance to Grammar schools. The distinct transport policy for Grammar schools allows greater access to such schools for pupils of lower income parents. I will soon have two children in sixth form education; the annual cost of the "contribution" required by the council will be nearly £1,000 a year. I have no doubt that some parents are unable to meet such expense and their children are disadvantaged - this is where the real discrimination rests in the council's policy on school transport."

"This system enables our children, and other children, of a similar financial background to attend Grammar School...If this was taken away, many parents, including ourselves, would not be able to afford to send their children to Grammar School which would then make the 11+ not only based on academic ability but on economic stature which is not only blatantly unfair but also discriminates against the child based on the parents income."

"Children have a right to get to school, and I feel the local authority should cover these costs, especially as the number of grammar schools in Lincolnshire is limited."

Other parents supportive of the current policy put forward other arguments. One parent reasoned that they believe the policy should remain in place due to the fact that if a child has been proven academically able to attend a grammar school, it seems to be the logical choice to send their child to this school due to the fact that this school can offer positive challenges. In addition, if the child was to lose its place, this would have an enormous detrimental effect on the child due to the emotional and personal issues they have had to face over the last few years.

Another parent put forward accessibility, financial issues, distance, environmental issues, traffic congestion, and the recognition that children are the future as possible reasons for maintaining the current transport provisions.

One parent argued that removing the DTAs would put unhealthy pressure on other secondary schools:

"Our local school is an incredibly well recognised Academy and is seriously oversubscribed every year already. There is simply not a large enough capacity within this school to accommodate those extra children whose families may choose not to allow them to sit the 11+ due to future cost implications."

Finally, a number of parents highlighted the possible financial implications that policy changes would create. Some of these parents have calculated the possible costs and stated that the abolition of free grammar school transport would amount to an annual fee of around £500 for each child.

However, several other parents sending their children to other secondary schools and even to grammar schools responded by arguing that an equal system for all students in Lincolnshire could be an option. One citation from a parent is as follows:

"I think that children should only receive free school transport (additional needs children excepted) if they live 3 miles or more from their NEAREST school (regardless of whether the school is grammar or non-selective). This means that if a parent chooses to send their child to another school (be this a grammar school or otherwise) they would have to pay... The reason I feel this way is that grammar schools do not offer a specialist or different education to non-selective schools, children must take a test to get in but that does not mean they are taught a different syllabus. Because of this I feel it would be discriminatory to have a policy for children who have passed a test and one for those who have not passed or taken a test."

A final statement received from a parent also supports a decrease in County Council support due to the financial pressures imposed on Local Government. This parent recommends phasing out the current policy:

"I understand that the county needs to make cuts to travel costs. I feel the fairest way to do this would be to phase out the transport as in all current students from year 7 to 11 would receive it still any current year 6 would know about the costs before they started."

Engagement Day

At the Engagement Day on 9 December 2015, thirteen parents attended to debate and share their views on the Grammar School Transport Policy. These parents had children in either grammar schools or in other secondary education.

The parents commented that this was a system of financial selection rather than educational selection. They highlighted that 25% of the county was not covered, and as there was a county wide policy that supported selective education then not having DTA's in some areas was not fulfilling the policy.

In response to the first question, the parents declared that the policy was unfair and created unequal opportunities for people within the county. They believed that the amount of comprehensive schools available in the areas outside the grammar school DTAs is simply a natural evolution from the way the policy has been throughout the years. According to the participants, all of this has created an unequal system with parents backing the claim that the money currently used for grammar school transport should be spread equally throughout the county, even if this signifies that parents would then have to pay an additional charge.

With regards to question two, the primary response to this question was to continue reviewing the grammar school transport guidelines, and then to alter them to allow for a more inclusive policy. This, in reality, would result in the expansion of the DTA boundaries until they extend to the full county. The parents did not seem fully opposed to the notion of creating a charging system and making a financial contribution as long as this would create equality within the policy.

The parents felt the Council should undertake a substantial data analysis exercise to ascertain the costs and benefits of the current transport provisions. According to the parents, this would primarily be done to determine whether a policy that was created 40 years ago had not lost its relevance. They questioned whether such a long-established policy should not be radically altered to fit the current modern time, demanding creativity in the process of change. The parents also expressed their wish to see a fully operational and dedicated school transport bus service.

Campaign Groups

During the Engagement Day, the Task and Finish Group heard the views from representatives of the two campaign groups. These campaign groups had been created by concerned parents who lived in areas not covered by grammar school DTAs and therefore had to pay for transport to grammar schools.

In answer to the first question, it was highlighted that the campaign groups did not question the accuracy of the policy or how it was implemented, but that they felt the policy itself was flawed and outdated. It was recognised that there were considerable budget pressures facing the Council, but they argued that the choice of whether a child goes to grammar school should not be a financial one. The campaigners reflected that grammar schools were an integral part of the education system and that grammar school transport should cover the whole county.

Their main issue concerned the current grammar school DTA system operating within Lincolnshire. According to the campaign groups, DTAs need to be reviewed on a regular basis to ensure that they were keeping up with educational changes and that all educational needs were being met. The campaign groups argued that free grammar school transport should be provided to all of the eligible children, or to none of the children. According to the campaign groups, some children were paying £7.70 per day to get to school. It was highlighted that transport costs paid by some parents included £500 per child per year and £80 per month.

The campaign groups did seem open to the idea of means-testing, yet questioned at what level people would then be required to pay if such a policy was put in place. However, they believed that there would be a need to create a new policy for those on low incomes. The campaign groups seemed to believe that an advantage existed when attending a grammar school. Finally, these concerned parents argued that if more grammar school pupils were sent to comprehensive schools instead, then some local comprehensives would be overwhelmed by the amount of pupils, eventually reaching an unsustainable rate.

In response to the second question, the campaign groups highlighted four options that they felt the Council could look at in more detail:

1. Part funding for all pupils living more than three miles away at a flat rate
2. Part funding for all pupils at a rate proportional to distance travelled
3. Flat rate travel card
4. Division of budget equally amongst all grammar school children so each family gets the same amount towards travel

The campaign groups' preference would be for every part of the county to be covered by a DTA regardless of cost. However, the campaign groups recognised that Lincolnshire County Council had sizeable savings to make in the future and that the reduced funds could not be used on this discretionary transport.

In summary, the campaign groups would like to achieve the following:

- A policy that was fair and equitable for all residents
- To eradicate the 'have and have not' system based on cost
- That any changes would be subject to an Equality Impact Assessment (EIA)
- Any changes to be cost neutral or provide cost savings to the Council

Youth Cabinet

The Task and Finish Group were invited by the Youth Cabinet to listen to a debate concerning grammar school transport. Councillor Mrs Jackie Brockway, Chairman of the Task and Finish Group and Councillor Chris Brewis attended the Youth Cabinet meeting on 7 November 2015. During this meeting, concerns were raised by the Youth Cabinet about reducing current support and how the more disadvantaged will be affected. The Youth Cabinet considered means-testing grammar school transport as an option, despite the acknowledgement that the cost of administration could be severe. The discussion also raised the issue as to whether the contract is with parents or with children/young people.

During the Engagement Day, Youth Cabinet representatives questioned the reasoning behind why some areas are not covered by the grammar school DTAs and were informed that this was an historical event, and several years ago there would have been grammar schools in those areas that subsequently converted to comprehensives.

In response to the questions, the Youth Cabinet representatives suggested whether a scaling of charges could be an option due to some people falling outside of the means-testing policy. They further suggested a system where all transport users pay a fixed amount, and remove the DTAs completely within the school transport policy. The Youth Cabinet members argued that it should be open to all families to attend grammar school, including those who may be coming from poorer families. They also felt the policy should not revolve around whether the relevant grammar school was the nearest school or not.

Finally, the Youth Cabinet representatives asked to be further involved if any proposed alterations to the Grammar School Transport Policy went to formal consultation.

What are the Options?

Options for changing Grammar School Transport Policy

The Council's finances are under unprecedented pressure, and home to school transport, which is almost a quarter of the Children's Services budget, is being asked to contribute to the savings required in order to ensure that the Council is able to set a balanced budget. In reality, this means that there is no scope for increased expenditure without impact on other services. The proposed savings from the home to school and college transport budget for 2016/17 is £1.631m, which represents 6.5% of the 2015/16 budget of £25.167m. Despite this reduction, there will be no lessening of policy duties, and several new budget pressures are appearing from April 2016 onwards, whose costs are not budgeted for.

The Task and Finish Group has identified five options for the Grammar School Transport Policy. The benefits, risks and cost implications for each of these options are set out below.

The Task and Finish Group has been mindful of the budget pressures facing the Council and taken into consideration the school transport policies at other councils and the views of the stakeholders when considering the options for the Grammar School Transport Policy.

Option 1 - To leave the Grammar School Transport Policy as it is, but review it in two years

Benefits

The current Grammar School Transport Policy is understood and mostly accepted, with the exception of small areas and a number of villages in the south of the county and north of Grantham. There is no evidence that the policy has been applied incorrectly or is unfair or discriminatory, and the recent Ombudsman decisions received in January 2016, regarding parental complaints relating to the Grammar School Transport Policy, considered whether it was unfair or discriminatory and found in favour of the Council.

Risks

There is minimal risk of a legal challenge if the policy was left as it is. However, the campaign groups who would like to see a change in the Grammar School Transport Policy would not have their aspirations met and there could be further challenges by parents and campaign groups to the current policy.

Cost Implications

There would be no cost implications if the current policy remained as it is. However, the Task and Finish Group does have concerns about whether the current policy is sustainable and affordable in the long term, given that pupil numbers in primary schools have been increasing and these pupils will soon be transferring to secondary schools. In addition, all but one grammar school is an academy, and academies have the discretion to be able to increase their PAN (Published Admission Number) which the Local Authority has no control over.

Advice of the Task and Finish Group

The Task and Finish Group could not reach a consensus on whether the policy should remain the same or be amended. Some members of the Task and Finish Group felt that they could not support Option 1 as they considered the current system to be unfair due to 25% of the county being excluded from being entitled to free grammar school transport which is why it is currently being challenged. It was also thought that the current policy is not sustainable as it is and that it might be seen as a 'cop out' to leave the policy as it is, and that there would be disappointment that the opportunity to change the policy was not taken.

Other members of the Task and Finish Group felt that the current policy is fair and therefore did not need to be amended. There is no legal duty to provide equal access to all schools. It was also considered by the members that the non-grammar schools who were in the areas not covered by grammar school DTAs were all ability schools and therefore provided suitable education for pupils of all abilities. In addition, members of the Task and Finish Group were very concerned about the impact on the all ability schools in the non-grammar school DTAs if the DTAs were expanded to include these areas, as it could have a negative effect on their pupil numbers, school results and funding.

The Task and Finish Group does recommend Option 1 to the Executive, as the current policy is lawful and there is no evidence that it is legally unfair or discriminatory. The Task and Finish Group recommends that the current policy should be reviewed in two years in order to ensure that it remains financially viable.

Option 2 - Extend free transport to nearest grammar school from all addresses in Lincolnshire, by extending grammar school DTAs into the non-grammar school (i.e. all-ability school) DTA areas

Benefits

This option would enable all children in Lincolnshire to be entitled to free or subsidised transport to a grammar school. This would address the concerns of those parents who have asserted unfairness of the present grammar school DTAs.

Risks

There are a number of risks with this option. Non-grammar schools will be adversely affected as their ability to recruit across the ability range will be undermined. This could reduce the number of pupils on roll at non-grammar schools which would then lead to less funding being available, and would also impact on non-grammar schools' examination results. There is also a risk that non-grammar school pupils will be unfairly disadvantaged as they would not have a choice of transport to more than one school. In addition there is a risk to the Council of not being able to finance the increased costs which would be incurred from this option.

Cost Implications

It is estimated that to implement Option 2 would cost the Council between £2 million and £2.7 million.

Advice of the Task and Finish Group

The Task and Finish Group does not recommend Option 2 to the Executive, as it is financially unviable to provide this level of free grammar school transport.

Option 3 - Remove all secondary school DTAs and offer free transport only to the nearest suitable school

Benefits

The perceived unfairness would be addressed and all pupils' transport needs would be assessed in the same way. It would also lead to savings in the Council's home to school transport budget.

Risks

There would be strong opposition from parents and grammar schools currently benefitting from free transport, who would lose their present entitlement if the school was not their nearest suitable school.

Cost Implications

It is estimated that Option 3 could save the Council £1.4 million from discontinuing the present entitlement.

Advice of the Task and Finish Group

The Task and Finish Group does not recommend Option 3 to the Executive, as it would disadvantage a lot of people in the DTAs for grammar schools and non-grammar schools, and would take away free transport from those who already receive it for a school which is not their nearest suitable school. Lincolnshire does have areas of selective education and the grammar school transport policy does enable access to those selective schools.

Option 4 - Amend the grammar school DTA areas only in specific areas to include the areas where the opposition to the policy has been most marked in grammar school DTAs

Benefits

This option would address the perceived unfairness expressed by residents in the areas just outside grammar school DTAs, and would allow their children to benefit from free transport to a grammar school.

Risks

This option would require a rational justification not only for extending the current boundaries but also for why they have not been extended further.

There is a risk that other parents living in non-grammar school DTA areas might claim unfairness against themselves and demand the same right to free grammar school transport, which would only be satisfied by the adoption of Option 2 above.

Cost Implications

It is estimated that for Option 4 there would be an increase in the transport budget of around £10,000 to £50,000 per annum.

Advice of the Task and Finish Group

The Task and Finish Group does not recommend Option 4 to the Executive, as it could lead to further challenge from parents who would still be outside of a grammar school DTA. In addition, it would adversely affect non-grammar schools in the areas outside the grammar school DTAs and the Council needs to be mindful of the impact of any policy changes on the wider pupil population.

Option 5 - Charge pupils living in grammar school DTAs for transport to a grammar school where it is not the nearest suitable school. This should be introduced to new pupils, excluding pupils with siblings at the same grammar school, on a phased basis with some level of financial support for pupils in receipt of free school meals

Benefits

This option would enable the Council to raise some funds against the cost of providing the provision.

Risks

There is likely to be opposition from grammar schools and future parents who would benefit from free transport as they would lose this present entitlement.

Cost Implications

This option could possibly lead to a net saving of circa £1.5 million per annum after 5 years. If the charge was means tested for low income families, there would be an estimated cost of employing a 1.0 FTE person at grade 4 or 5 to undertake the administration for means testing all grammar school applications.

Advice of the Task and Finish Group

The Task and Finish Group felt that if a charge was introduced, it should be on a phased basis starting in the 2017/18 academic year, and only applied to new pupils starting secondary school. As a result, the full cost saving would not be realised until five years after it was introduced. The Task and Finish Group also felt that any charge should not be applied to new pupils who already had an older sibling at the same grammar school.

However, the Task and Finish Group was concerned about low income families being able to afford to pay a charge and felt that there should be some means of ensuring that those that could not afford to pay were still able to access grammar schools. The Task and Finish Group felt that a reduced rate for pupils in receipt of free school meals should be considered as part of this option.

For comparison, the Task and Finish Group considered the charging system for post 16 transport which was introduced in 2008. A detailed analysis of the current post-16 transport policy is attached at Appendix 2. In 2015/16, the charge for post 16 transport was £418. It is proposed that this charge will increase to £500 for September 2016 and to £570 for September 2017. Even with these increases, the cost for post 16 transport will still be subsidised by the Council by circa 50%. It is worth highlighting that the Council does not means test for post 16 transport, so there is a flat rate charge for all post 16 transport regardless of income.

The Council does not, in law, have to provide free home to school transport to a grammar school if it is not the nearest suitable school to the child's home. Conversely, if the grammar school was the nearest to the child's home, the Council would almost certainly have to provide the transport free of charge.

The Council provides transport to secondary age pupils to grammar schools on the basis of its DTAs. The Council's DTA approach does not require the grammar school to be the nearest school to the pupil's home, merely that the pupil lives in the school's DTA area and is over three miles from the school.

Since the grammar school transport areas are larger than those of the non-grammar schools, the majority of pupils qualifying for transport to grammar schools would not automatically qualify for transport to their DTA grammar school if the Council did not have DTAs as the basis of transport entitlement.

Therefore, it is clear that the Council could introduce a charge for students attending a grammar school where it is not their nearest secondary school.

The Task and Finish Group also considered the possibility of removing the grammar school DTAs and introducing a charge for grammar school transport for the whole of Lincolnshire. However, this was not supported by the majority of the Task and Finish Group due to the potential implications on the all ability schools in the non-grammar school DTAs.

The Task and Finish Group does recommend Option 5 to the Executive, as it would address the issue of perceived unfairness by charging pupils living in a grammar school DTA for transport who attend a grammar school which is not their nearest school. In addition, it would help to raise funds to offset the cost of this discretionary provision. As part of this option, the Task and Finish Group also recommends that the Executive considers phasing in the charge from 2017/18 to new secondary school pupils only; the possibility of some level of financial support for pupils on free school meals; and providing free transport to grammar schools for those pupils with siblings already at the same school.

Recommendation

The Task and Finish Group submit the following two options to the Executive for its consideration:

- Option 1 - To leave the Grammar School Transport Policy as it is, but review it in two years.
- Option 5 - Charge pupils living in grammar school DTAs for transport to a grammar school where it is not the nearest suitable school. This should be introduced to new pupils, excluding pupils with siblings at the same grammar school, on a phased basis with some level of financial support for pupils in receipt of free school meals.

Appendix 1 - Other Local Authorities

Home to School Transport Policy	Number of GS¹²	Mention of GS in its Policy	What sort of GS Policy?	Further information on the Policy	Transport Area?	Size of Area
Essex County Council	4	Yes	Statutory rules for all schools, with notable exception: Free transport for children going to GS from low-income families ¹³ living further than 2 miles away.	2013: A consultation to reject discretionary GS transport for low income families was met with fierce opposition, and the policy remained.	From September 2015, children starting secondary school will only receive free transport if they go to closest school (using the statutory proximity rules ¹⁴)	Large Area ¹⁵
Kent County Council	33	Yes	Statutory rules for all schools, with notable exception: Free transport for children going to GS from low-income families living between 2 & 15 miles.	A Young Person Travel Pass is possible for children not eligible to free transport (standard fee is £200-half for low income families).	Works with the statutory proximity rules.	Large Area

¹² Grammar Schools (Selective Schools)

¹³ Usually policies define low-income families as such: receive free school meals or parents are in receipt of one of these benefits: Income Support, Income based jobseekers allowance, Child Tax Credit (and with an annual income of no more than £16,190), a guaranteed element of state pension credit, income related employment and support allowance or maximum level of Working Tax Credit. Essex County Council however only mentions Child Tax Credit and an annual household income below £16,190.

¹⁴ Children are eligible for free transport if they are attending their nearest qualifying school, and their address is 3 miles walking distance away from the school (2 miles if under 11); For children from low-income families, they can be eligible if they attend a school between 2 and 6 miles and one of the three nearest suitable qualifying schools. If it is a faith school and the child is from a low-income family, then the distance increases to between 2 and 15 miles; the provision of Free Post 16 Transport is not a statutory requirement. (as stated by the Education Act 1996 amended by the Education inspection act 2006, section 508, 509 and Schedule 35B).

¹⁵ Small area: 0 to 100 sq miles; Medium area: 100 to 1000 sq miles; Large area: over 1000 sq miles.

Home to School Transport Policy	Number of GS¹²	Mention of GS in its Policy	What sort of GS Policy?	Further information on the Policy	Transport Area?	Size of Area
Medway Council	6	Yes	<p>GS are a different category compared to mainstream schools: grammar schools will always be considered the "nearest qualifying school" regardless of its location, if the child qualifies for entrance.</p> <p>Therefore, free transport will always be provided to the nearest grammar school (does not have to be nearest school)</p>	<p>No plans to change policy at this time, next review will be in 2016.</p> <p>A Medway Youth Pass is available for non-eligible students to save costs.</p>	Purely statutory proximity rules.	Small Area
Trafford Council	7	Yes	<p>GS are a different category compared to mainstream schools: grammar schools will always be considered the "nearest qualifying school" regardless of its location, if the child qualifies for entrance. Free transport will therefore be provided to these schools.</p>	<p>Quote from Policy: TC "recognises that as a Local Authority that operates a selective system, all pupils are within the selective system whether they choose to be or not."</p>	Purely statutory proximity rules.	Small Area

Home to School Transport Policy	Number of GS¹²	Mention of GS in its Policy	What sort of GS Policy?	Further information on the Policy	Transport Area?	Size of Area
Warwickshire County Council	6	Yes	Currently, students residing in East and South Warwickshire who have obtained a place in a selective school can consider their selective school to be the 'nearest qualifying school' no matter what their location would be.	Recent proposal & consultation has recommended removing all discretionary transport for GS students. The proposal entails assessing grammar school students against the same criteria as other children attending other schools. It has been approved by the Cabinet in October 2015, and would signify that 76 % ¹⁶ of GS students would lose their free transport whilst saving the Council £342k each year from 2020/2021. ¹⁷	Works with priority areas alongside the proximity rules. This means that a child living within a priority area but with a school in closer proximity than the designated school (and further than 3 miles away) could potentially be eligible for transport to both schools.	Medium Area
Birmingham City Council	8	No	Standard statutory policy without mentioning GS	/	Purely statutory proximity rules.	Medium Area (just: 103.39 sq miles)

¹⁶ 892 pupils (calculated April 2015)

¹⁷ This will affect only the new secondary students (coming into year 7). Grammar school students currently enjoying free transport services will continue to receive this service until they are 16.

Home to School Transport Policy	Number of GS¹²	Mention of GS in its Policy	What sort of GS Policy?	Further information on the Policy	Transport Area?	Size of Area
Bournemouth Borough Council	2	No	No special provisions for selective schools	/	Catchment areas seem more important than the proximity rule.	Small Area
Buckinghamshire County Council	13	Yes	No entitlement for GS specifically. Proximity determines free transport.	They believe an "upper school" is able to provide adequate education for a grammar qualified pupil. ^{18 & 19}	Catchment areas are no longer part of the policy (since 2003), proximity is only factor.	Medium Area
Calderdale Council	2	No	No special provisions for selective (grammar) schools.	The Council fulfils only its statutory requirements.	No catchment area mentioned, only proximity rules apply.	Medium Area
Cumbria County Council	1	Yes	No special provisions for selective (grammar) schools.	A selective school can be ignored, if it is the "nearest qualifying school" but you do not want to join a selective school (You do not need to apply).	Catchment area or nearest qualifying school determines eligibility for free transport. Only if a catchment is not in place, then the nearest school will be considered for free transport.	Large Area & Statistical Neighbour of Lincolnshire ²⁰

¹⁸ Buckinghamshire is one of the last remaining counties where education is fully selective (all students are expected to take the 11-plus). Along with 13 GS, there are also 21 upper (modern) schools in the County.

¹⁹ Also, a paid-for travel scheme exists in Buckinghamshire just as it does in most councils, where children who do not qualify for free transport could apply for spare seats within already created bus schemes for the children who do qualify for free transport under the policy. This provides children with more accessible transport.

²⁰ Based on 'Passenger Transport' comparison.

Home to School Transport Policy	Number of GS¹²	Mention of GS in its Policy	What sort of GS Policy?	Further information on the Policy	Transport Area?	Size of Area
Devon County Council	1	Yes	"No additional entitlement" if the preferred school is a selective school.	The Council provides "transport to a single school designated for the home address where this is not the nearest school to the home address" ²¹	Clear school Designated Areas for Transport (online interactive map); The (catchment) areas clearly outweigh the proximity guidelines as the dominant rule.	Large Area & Statistical Neighbour of Lincolnshire
Gloucestershire County Council	7	No	No special provisions for selective (grammar) schools.	Free transport can be arranged to either nearest school OR School agreed by County through address (i.e. DTA) ²²	Works with Designated Transport Areas, but there is no specifically designed map for GS (interactive map on website).	Large Area

²¹ Preference for Catchment Areas: "Where the designated school is unable to admit a child, free transport will be available to the nearest school able to offer a place. Evidence must be provided by the parent that the school was unable to admit the child." = CATCHMENT > PROXIMITY

²² If the child is not accepted at the nearest school, the next school will be a possibility.

Home to School Transport Policy	Number of GS¹²	Mention of GS in its Policy	What sort of GS Policy?	Further information on the Policy	Transport Area?	Size of Area
Kirklees Council	1	Yes	No special provisions for selective (grammar) schools.	Quote from policy: "Grammar school is not included within 'belief' category. In other words, free transport would not be provided to a grammar school based on the statutory requirements for a child on low income attending a certain belief school (e.g. faith school)."	In previous years the Council worked with catchment areas to determine transport eligibility, but the policy on transport now only mentions proximity rules.	Medium Area
Lancashire County Council	4	Yes	No special provisions for selective (grammar) schools	Quote from Policy: "Grammar schools are under the same policy as the other schools."	Works with Geographical Priority Areas, but they will be phased out from September 2015 in favour of the statutory proximity rules.	Large Area
Lincolnshire County Council	16	Yes	Transport for GS students if they live in the appropriate DTA, or it is the nearest qualifying school and further than 3 miles.	Separate grammar school DTAs set up, overlapping other secondary transport areas. Two different maps.	DTAs determine transport eligibility. The Council is also required to provide free transport using the statutory proximity rules.	Large Area

Home to School Transport Policy	Number of GS¹²	Mention of GS in its Policy	What sort of GS Policy?	Further information on the Policy	Transport Area?	Size of Area
Liverpool City Council	1	No	No special provisions for selective (grammar) schools	Pre-paid Merseytravel SOLO zone bus ticket is a cheaper alternative.	Purely statutory proximity rules.	Small Area
North Yorkshire County Council	3	No	No special provisions for selective (grammar) schools.	/	Provides transport to either nearest qualifying school or the 'normal school' (the school allocated to the geographical area within the home address of the child = catchment area)	Large Area (largest) & Statistical Neighbour of Lincolnshire
Plymouth City Council	2	No	No special provisions for selective (grammar) schools, purely following statutory policy.	No Parental Preference option (so no additional entitlement for GS pupils)	Purely statutory proximity rules.	Small Area
Poole Borough Council	2	Yes	No longer provides (discretionary) transport to grammar schools (cancelled in 2006).	"There is no automatic entitlement for a pupil attending a grammar school to receive free transport, unless: It is geographically their nearest school (> 3 miles + statutory low-income provisions)."	Proximity rules (usually nearest school is placed within the old catchment area)	Small Area

Home to School Transport Policy	Number of GS¹²	Mention of GS in its Policy	What sort of GS Policy?	Further information on the Policy	Transport Area?	Size of Area
Reading Borough Council	2	No	No special provisions for selective (grammar) schools	"Reading has the lowest proportion of children living inside its borough attending its grammar schools" ²³	Designated areas for schools, unclear whether these areas are more relevant than the proximity rules.	Small Area
Slough Borough Council	4	Yes	Only mentions that GS do not qualify as the nearest school.	No special provisions for selective schools, only statutory requirements.	Catchment or nearest qualifying school can be considered for free transport.	Small Area
Southend-On-Sea Borough Council	4	Yes	"Children from Low Income that have been awarded a place at a selective school are eligible for free transport, even if it is not nearest school."	Similar to Essex County Council policy.	Purely statutory proximity rules.	Small Area
Torbay Council	3	Yes	Only mention of grammar schools is that a GS is "suitable" if the child is of selective ability.	/	DTAs ²⁴ that are also created for GS but they do not overlap with the mainstream school areas.	Small Area

²³ Get Reading Newspaper (15 November 2013).

²⁴ Designated Transport Areas

Home to School Transport Policy	Number of GS¹²	Mention of GS in its Policy	What sort of GS Policy?	Further information on the Policy	Transport Area?	Size of Area
Walsall Council	2	Yes	No special provisions for selective schools (they consider it a parental preference choice and will therefore not provide free transport to GS students).	Quote from Policy: "Travel assistance for children attending a selective school is only provided where the child meets the eligibility criteria because of the home to school distance requirement or low family income."	Purely statutory proximity rules.	Small Area
Wiltshire Council	2	Yes	Currently, GS have their own catchment areas which create certain discretionary provisions ²⁵ , but the Council is moving towards purely statutory requirements.	"From September 2015 new applications for transport to either of the Salisbury grammar schools will incur a charge, unless the low household income provisions of the 2006 Education and Inspections Act are applicable or it can be demonstrated that the school attended is the closest school to the applicant's address."	Proximity rules are more relevant than the old catchment areas to determine transport eligibility (but these catchment areas are also used as designated transport areas, only proximity is more important when determining free transport). Catchment areas are being phased out from 2015.	Large Area & Statistical Neighbour of Lincolnshire

²⁵ Transport could be provided to a grammar school that is technically not the "nearest Qualifying school"

Home to School Transport Policy	Number of GS¹²	Mention of GS in its Policy	What sort of GS Policy?	Further information on the Policy	Transport Area?	Size of Area
Wirral Metropolitan Borough Council	6	No	No special provisions for selective (grammar) schools.	Recently limited their discretionary travel support (did not include any grammar school provisions).	Purely statutory proximity rules.	Small Area
Wolverhampton City Council	1	No	No special provisions for selective schools. No transport for a preferred school.	/	Designated schools are put forward (catchment > proximity).	Small Area
Telford and Wrekin Council	2	Yes	No special provisions for selective schools.	/	Catchment or nearest school can be considered for free transport.	Medium Area
London Boroughs: Barnet (Hertfordshire), Bexley, Bromley, Enfield (Hertfordshire), Kingston-Upon-Thames (Surrey), Redbridge (Essex) and Sutton (Surrey)	19	/	Transport is provided through the London Mayor Initiative with the Oyster Card for students.	/	/	/

Appendix 2 - Post 16 Transport Policy

Lincolnshire County Council will provide or subsidise transport to the nearest Sixth Form, College of Further Education or other licensed providers over 3 miles from the student's home. To qualify, a pupil or student must: live in Lincolnshire, be at least 16 years and under 19 years of age (on 1 September in the year the course starts), study a full time course (i.e. minimum of 12½ hours of taught study) and attend its nearest or designated school with a sixth form provision, or nearest or designated college. The transport provision is one outward journey and one return journey, timed for the start and finish of the school or college day.

Legal requirements

Section 509AA - The legislation recognises that a local response to transport arrangements is important in enabling young people's participation in education and training. A local approach allows local circumstances to be taken into account. The legislation therefore gives local authorities the discretion to determine what transport and financial support are necessary to facilitate young people's attendance. The local authority must exercise its power to provide transport or financial support reasonably, taking into account all relevant matters. A failure to make arrangements would amount to a failure to meet the duty.

The law therefore does not define precisely the circumstances which make assisted transport necessary for post-16 students who are above the statutory age for schooling. It is for the LA to decide, against the statutory guidance on post-16 transport support published annually by the Education Funding Agency (EFA) whether transport needs to be provided and under which circumstances assistance with travel should be available.

Background to Post 16 Transport Provision

Until 2008, all education transport provided in Lincolnshire for pupils and students who qualified for assistance under the policy was provided free of charge. In that year there was policy change which restricted the entitlement of students post 16 to a nearest or designated college (previous to that time they could receive free travel to any school or college of choice for a post 16 course), and the introduction of a charge for the provision of post 16 transport and for concessionary transport, which was set at £180 for the following school/college year.

Prior to the decision being taken, a consultation took place with stakeholders and interested parties. There were many responses, and it is fair to say that the majority of the responses were opposed to the introduction of the charge. However, a large minority of respondents accepted that charging was not unfair, understanding that the Council had to restrain its costs, and also that the Council was not obliged to pay the costs of sixth-form transport. A sizeable minority responded to say that they did not feel that the Council should have been providing any free transport that was not required in law.

The representations were collated and summarised in a report which went to the Council's Children and Young People Scrutiny Committee and Executive before being confirmed. There was a general consensus that the Council's policy was generous and fair, even after the introduction of charging, and that the policy for post 16 transport support would be better able to withstand future financial pressure if there was a parent/student contribution towards its costs.

Current Policy

- The support is subject to an annual contribution by the user of £418 (2015/16).
- Contribution can be paid in three instalments of £141 by September, January and April each year, totalling £423.
- Includes an administration charge of £5.

- Schools with sixth form provision and colleges of further education have some bursary funding available to help students of sixth-form age (16-18).
- Bursary funding is paid to schools and colleges who decide how to allocate their funds.
- Transport support for learners with learning difficulties/disabilities is available under the policy until they are 21 years, or 25 years if necessary, in order to complete an appropriate programme of study.

Future Proposals

- Increase the charge to £500 from September 2016 for post-16 transport.
- Increase the charge to £570 from September 2017 for post-16 transport.
- Facilitated in payments of 7 instalments.
- Still leaves the cost over 50% subsidised on average.
- This is to ensure the medium-term sustainability of the policy.
- A school-based approach to the procurement of home to school transport for special schools is intended to make cost savings.

Appendix 3 - Contributors to the Review

The Task and Finish Group would like to offer their sincere thanks to all the parents and campaign group representatives who attended the Engagement Day and who have provided written responses to the review.

Furthermore, the Task and Finish Group would like to extend their thanks to the following people who attended the Engagement Day:

- George Baker, Youth Cabinet
- Steve Baragwanath, Principal of University Academy Holbeach
- Shaun Barton, Assistant Headteacher of Spalding Grammar School
- Andrew Fulbrook, Headteacher of Boston High School
- Kian Hearnshaw, Youth Cabinet
- Nick Law, Headteacher of Carres Grammar School
- Roger Moore, Chair of Governors of Stamford Welland Academy
- Anthony Partington, Principal of Stamford Welland Academy
- David Scott, Headteacher of Kesteven and Grantham Girls' School

In addition, the Task and Finish Group would like to extend their gratitude to the Youth Cabinet and all the following people who have contributed to this review:

- Debbie Barnes, Executive Director of Children's Services, Lincolnshire County Council
- Councillor Mrs Patricia Bradwell, Executive Councillor for Adult Services, Health and Children's Services, Lincolnshire County Council
- David Coleman, Chief Legal Officer, Lincolnshire County Council
- Andrew Garbutt, Participation Officer, Lincolnshire County Council
- Rob Hewis, Programme Officer, Community Engagement Team, Lincolnshire County Council
- Colin Hopkirk, Programme Officer, Community Engagement Team, Lincolnshire County Council
- Tracy Johnson, Senior Scrutiny Officer, Lincolnshire County Council
- Teri Marshall, Principal Transport Officer - Review and Local Bus, Passenger Transport Unit, Lincolnshire County Council
- Andrew McLean, Children's Service Manager - Commissioning, Lincolnshire County Council
- David Robinson, School Services Manager, Lincolnshire County Council
- Sally Savage, Chief Commissioning Officer (Children's), Lincolnshire County Council
- Vincent Van Doninck, Graduate Management Trainee, Lincolnshire County Council
- Rachel Wilson, Democratic Services Officer, Lincolnshire County Council

More Information

If you would like any more information about the work of Overview and Scrutiny at Lincolnshire County Council then please get in touch with the Scrutiny Team by calling 01522 552164 or by emailing the Team at scrutiny@lincolnshire.gov.uk



School and College TRANSPORT POLICY

2018/2019



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SECTION A Details of the policy

A1. Why we have a school and college transport policy

- a. The purpose of the policy is to meet the County Council's legal duties to provide education transport to qualifying pupils and students, and to provide whatever additional transport assistance the County Council deems necessary to support learners in Lincolnshire.
- b. The Council's main legal duties for children of school age are defined in Section 508B and 509 and Schedule 35B of the Education Act 1996. Its policies, which go beyond the legal duties, are determined by the Council from time to time. The Council's duties in respect of post-16 pupils and students are published annually following guidance issued by the Department for Education (DFE). This document summarises the policy in total. It is not however, a statement of law. See Appendix A for a summary of the legal framework.
- c. When an application for education transport is made, we will use the criteria in this policy to assess entitlement. If transport entitlement is refused, an explanation will be given in writing and there will be an opportunity to appeal.
- d. We will explain and help an applicant to understand any part or all of this policy on request. (Ring 01522 782020)
- e. Some of the terms used in this document are defined in the glossary at the back.

A2. Summary of school and college transport policy

- a. Lincolnshire County Council (LCC) provides home to school transport for eligible primary and secondary pupils to their designated school for transport, or to a nearer suitable school, subject to defined legislative and policy criteria for distance, nature of route and age. Children of some families at the secondary stage (i.e. 11-16 yrs) may be entitled to free transport to schools on grounds of low income (see sections **A5 and A6**). This policy does not apply to independent fee paying schools.
- b. Children's Services (CS) is responsible for determining who is eligible to receive home to school/college transport. The Transport Services Group (TSG) acting on behalf of Children's Services, allocates pupils to the most appropriate and economic transport, and procures, monitors and manages the transport provided.
- c. Our preferred method of application is online at www.lincolnshire.gov.uk/schooltransport or a paper application can be requested from the Customer Service Centre. Booklets are produced annually containing a summary of policies and an application form. They are available online at www.lincolnshire.gov.uk/schooltransport or can be sent to a home address by ringing customer services on 01522 782020.

- d. The basis of Lincolnshire's policy is:

- **Distance to school/college**

Eligibility for home to school/college transport is determined in accordance with our legal duties, by measuring the distance from home to school/college. LCC is not normally obliged to offer transport to school/college where the distance from home to school/college is less than 3218 metres (2 miles) up to age 8 and 4827 metres (3 miles) from age 8. This stipulation does not apply where the route in question is unsuitable for a school age child, accompanied if necessary by a responsible adult, to walk. LCC provides transport to qualifying pupils to their designated suitable school or nearer if the school is over 2 miles at the primary stage and 3 miles at the secondary stage. Transport is only offered from one home address to one school or college site.

For post-16 pupils and students, the requirement to provide transport is not clearly defined legally, but transport access must be available to post-16 learners. LCC offers transport support to post-16 learners on the same distance criterion as for secondary school pupils, subject to an annual student contribution.

- **Designated transport areas**

LCC operates Designated Transport Areas (DTAs) which are areas around schools and colleges indicating transport eligibility. If you live within the DTA for the school/college you or your child attends, you can normally get transport to that school provided you live further than two miles (at the primary stage) or three miles (at the secondary stage) from that school. There are DTAs for all schools/academies and specifically for primary schools, all-ability secondary schools, grammar schools, colleges of further education and sixth forms. DTA maps are available in Appendix G.

- **Families with a low income**

For secondary age children from families with a low income free transport is available to a wider choice of schools. The duty is that transport will be provided if both of the following **two** criteria are met:

- The school is between 2 and 6 miles from the family home **and**
- It is one of the nearest three secondary schools to the home.

See Section A5 for details.

Free transport is also available to secondary-age children from families with a low-income who are attending the nearest school chosen on grounds of religion or belief where the school is between 2 and 15 miles from the family home.

See section A6 for details.

- **Special arrangements in some areas of Lincolnshire**

There are some areas of Lincolnshire where special arrangements apply for historical reasons. These do not affect the eligibility criteria already defined and are set out in more detail in Appendix B, and cover Fishtoft Parish, William Lovell School, Grantham area, Lincoln, Louth, Stamford and the Crowland area.

School-age Pupils (5-16 years)

- Parents are asked to consider their transport entitlement when choosing a school place for their child. Where parents choose a further distant school to that of the nearest or designated school they cannot assume transport will be provided to that school. Transport entitlement will be assessed in accordance with this home to school transport policy.

- Where a parent has chosen the nearest or designated school and it is oversubscribed transport may be provided to the next nearest school if this is allocated as the nearest school with a place by school admissions. This will be subject to the school being more than 3218 metres (2 miles) from the home at the primary stage, and 4827 metres (3 miles) at the secondary stage, from their home

- Home to school transport is provided free of charge for eligible children of compulsory school age (5 to 16 years), who are attending their nearest or designated school to their home address, and the school is more than 3218 metres (2 miles) from the home at the primary stage, and 4827 metres (3 miles) at the secondary stage, from their home. (See Section A3)

- Home to school transport is provided free of charge for eligible children who start full-time school before they are 5 years old, provided their 5th birthday falls on or before 31 August of the school year. Midday journeys to support part-time attendance are not provided.

- Eligible children aged 5-16 years with special educational needs and/or disabilities have their transport needs specifically assessed on a case by case basis (see section A4).

- Transport is only provided at the beginning and end of the school day.

- Transport will not be provided for induction/taster sessions, assessment sessions, work or work experience placements or interviews.

- Children who are subject to shared custody and divide their time between 2 homes will only be entitled to transport provision from one address and only if this falls within the designated transport area and is more than 3218 metres (2 miles) from the home at the primary stage, and 4827 metres (3 miles) at the secondary stage, from their home. Transport will not be provided from 2 addresses.

Post-16 Pupils and Students

- For eligible students aged 16 – 19 (extended to age 21 or 25 for students with learning difficulties and/or disabilities), school or college transport is provided to a DTA school or college or a nearer one, subject to a student contribution, which is reviewed annually. (**See Sections A7**).

- Eligible students aged 16 – 25 who have learning difficulties and/or disabilities may be provided with any special transport arrangements that

LCC considers necessary to meet their needs.
(See Section A8).

The policy as it applies to different age groups and learners is detailed below.

A3. School age pupils 5-16 years

- Home to school transport is provided free for children of compulsory school age who attend the nearest suitable and/or designated transport area school to their home address, provided they meet the distance and age criteria below.
- Distances to schools are measured using the shortest route that is available for a child to walk accompanied if necessary by a responsible adult, up to two miles (Primary) or three miles (Secondary). Distances to schools over two or three miles are calculated using the shortest driving route.
- Secondary age children from families with a low-income may be entitled to free transport to one of the nearest three suitable schools to the home address **if** the school chosen is between two and six miles from the home address.
- Secondary age children from families with a low-income may also be entitled to free school transport to the nearest school that they attend on the grounds of their parent's or carer's religion or belief if the school lies between 2 and 15 miles from the family home.
- It is for parents to make suitable arrangements for children to get to a transport pick up point unless LCC has determined that the route to the pick-up point is unsuitable to walk. Parents may wish to make sure the child is accompanied as necessary by a responsible adult.
- Where a School has a satellite centre transport will only be provided to the main site of the school as determined by LCC.

A4. School age pupils and students 5-16 years with special educational needs and/or disabilities (SENDs)

- Pupils with a statement of Special Educational Needs (SENDs) or an Education, Health and Care Plan (EHCP), whether attending a special school or a mainstream school, do not normally have an automatic entitlement to home to school transport. Transport entitlement and provision is assessed against the distance and other criteria outlined in Section A2 and also with regards to needs arising from the nature of the SENDs.
- Pupils with SENDs have their transport needs assessed first against the distance criteria summarised in Section A2. Eligibility for free home to school transport is established if the child is attending the nearest and/or designated suitable school over 2 miles (primary stage) or 3 miles (secondary stage) to their home address. This criterion applies to pupils with SENDs irrespective of whether or not they have a statement of special educational needs or an EHCP.
- Some pupils with SENDs may, by reason of their needs and/or disability, be unable to walk even

relatively short distances to school accompanied by a responsible adult. At the time the Statement of educational needs or EHCP is written or reviewed, LCC will determine if the student has an exceptional transport need. Where such pupils attend a school that is within statutory walking distance (2 or 3 miles from the home – see Section A2) and they have been determined by LCC as having an exceptional transport need, they will be entitled to free home to school transport. This provision is only available to the nearest suitable school, as identified by LCC, to meet their needs.

- Pupils with SENDs who do not have a statement of special educational needs or an EHCP may also have a need for transport assistance. Upon the provision of suitable medical evidence supporting the application, these will be considered on an individual basis **(see Section A13).**

- e. Transport to an alternative address may be considered in exceptional circumstances for pupils with SENDs where this is deemed necessary to ensure their attendance at school.

- f. Where a School or College has a satellite centre transport will only be provided to the main site of the establishment as determined by LCC.

A5. Transport for secondary pupils from low income families to a school of choice

- a. Secondary age children from families with a low-income may be entitled to free transport to one of the nearest three suitable schools to the home address **if** the school chosen is between two and six miles from the home address. Any parent/carer who thinks they may qualify for this benefit should complete an application form.
- b. To qualify for free transport on these grounds, The child should be eligible for free school meals or the parent/carer should be receiving one of the following:
- Income Support
 - Income-based Job Seeker's Allowance
 - Child Tax Credit, with an annual income below an amount determined annually by the government

- The Guaranteed Element of State Pension Credit
- The maximum level of Working Tax Credit, as shown on the Tax Credit Award Notice (TCAN) issued in the April prior to the date transport is required.

Evidence of the above documents may be required to confirm entitlement. If the parent/carer receives Working Tax Credit it will be necessary to supply a copy of all the pages of the Tax Credit Award Notice.

- c. Entitlements to transport on grounds of low income are created for one school year at a time, and reviewed at the end of the school year.
- d. If parents lose the entitlement due to changes in their circumstances, they will need to make their own transport arrangements.

A6. Transport for secondary pupils from low-income families to a school chosen on grounds of religion or belief

- a. Children whose families have a low income are entitled to free transport to the nearest secondary school chosen by the parents on grounds of religion or belief, where: the school is between 2 and 15 miles (by the shortest available route) from the family home. Evidence of religious affiliation or belief will be requested.
- b. To qualify for free transport on these grounds, The child should be eligible for free school meals or the parent/carer should be receiving one of the following:
- Income Support
 - Income-based Job Seeker's Allowance
 - Child Tax Credit, with an annual income below an amount determined annually by the government
 - The Guaranteed Element of State Pension Credit

- The maximum level of Working Tax Credit, as shown on the Tax Credit Award Notice (TCAN) issued in the April prior to the date transport is required.

Evidence of the above documents may be required to confirm entitlement. If the parent/carer receives Working Tax Credit it will be necessary to supply a copy of all the pages of the Tax Credit Award Notice.

- c. If parents lose the entitlement due to changes in their circumstances, they will need to make their own transport arrangements.

A7. Post-16 pupils and students (mainstream provision)

(*Raising the participation age referenced on page 34*)

a. LCC provides subsidised home to school or college transport for post-16 pupils to their nearest designated school or college, provided that the distance from home to the school or to the college is more than three miles (4827 metres).

b. To qualify, a pupil or student must:

- Live in Lincolnshire
- Be at least 16 years and under 19 years of age (on 1 September in the year the course starts)
- Be attending a full time course (i.e. minimum of 12½ hours of taught study)
- Be attending their nearest or designated school with a sixth form provision, or their nearest or designated college **subject to distance**.

c. Transport provision is conditional upon the payment of a pupil/student contribution which is determined annually by LCC. Details are available at the time of application.

d. Transport provision consists of one return journey a day, at the start and end of the normal school/college day (Mon – Fri), during LCC published term dates.

e. Transport is not provided to Induction/taster sessions, work or work experience placements, assessment centres or interviews.

f. LCC will transport students to Riseholme College where they are accepted to study the following level 2, or above, courses provided the journey is over 3 miles but does not exceed 45 miles (daily journeys will be arranged for the beginning and end of the normal college day on week days only). Transport may also be provided to a college nearer to the student's home address that offers one of the following courses at the discretion of the Local Authority:

- Agriculture
- Environmental studies
- Horticulture
- Arboriculture
- Equine

LCC will also transport students to Access to Music (Lincoln) where they are accepted to study a level 2 or above course provided the journey is over 3 miles but does not exceed 45 miles (daily journeys will be arranged for the beginning and end of the normal college day on week days only).

- g. Where an FE College has a satellite centre transport will only be provided to the main site of the college as determined by LCC.
- h. The policy does not apply to higher education courses, apprenticeships, internships or traineeships.
- i. Transport must be applied for by post-16 students.
- j. Post 16 students may be expected to make their own way, up to three miles, to and from a transport pick up point or drop off point. The suitability of walking routes are not considered at the Post 16 phase.
- k. Transport is not provided to work placements, assessment centres or interviews.
- l. Transport is provided for 2 years unless the notification specifies otherwise. If a 3rd year of transport is required the student must supply evidence from the sixth form or college that the course is a continuation/progression, and the student should normally be aged under 19 (1 September) on the date the course begins its third year. Transport will not be provided for a third year for re-takes.
- m. The policy statement for post 16 transport provision is published each year by 31 May, in line with statutory guidelines. It can be accessed at: www.lincolnshire.gov.uk/schooltransport

A8. Post-16 learners with special educational needs and/or disabilities (SENDs)

Pupils who have completed Year 11 studies and who stay on at school or join a further education college or a different school to follow a course may be entitled to transport support. The policy is summarised below.

- LCC will provide transport or a travel pass to enable students aged 16-19 years who live in the County to access a recognised course at their nearest or designated school or college that meets their assessed learning needs. This entitlement is normally subject to the school or college being 3 miles or more from the student's home.
- Post-16 learners with SENDs will have their transport needs assessed on an individual basis. This process is initiated during Year 11 by the secondary school the child attends, and the SENDs caseworker.
- The policy for home to school and college transport is written in the light of the guidance issued by the Department for Education (DFE) each year and is published on LCC's website by 31 May each year. For more details see: www.lincolnshire.gov.uk/schooltransport

- Transport provision is conditional on the payment of a pupil/student contribution, which is determined annually by LCC. Details are available at the time of application. This applies to all post 16 students even if an exceptional transport need is identified.
- Transport support consists of one return journey a day, at the start and end of the college day (Mon – Fri). Transport is not normally offered for part-time attendees.
- Transport support can be provided to up to age 25, where it is considered necessary, to enable a student with SENDs to complete a course begun before the age of 19. This provision is made following individual assessment.
- An initial transport entitlement will normally be given for 2 years. Any further applications for transport must be made annually by post 16 students, or their parent/carer.
- Transport will be provided to one establishment. Where a school or college has a satellite centre transport will only be provided to the main site of the school or college as determined by LCC.

A9. Other transport assistance

a. Transport on denominational (religious) grounds or on grounds of belief

In 2008, the County Council ended its policy of providing assistance with transport for pupils attending a school on grounds of religion or belief (note the exception in section A8). If the child is attending a particular denominational school and it is the nearest suitable or designated school to the child's home address, the child may be eligible under the normal mainstream criteria (see Section A2).

Children who were benefiting from assistance with transport under the policy at the time the previous policy was ended will continue to do so until the child leaves school, and this will be available to any siblings living at the address who join the school while the entitled pupil is still attending. There is now an entitlement to free transport for some secondary age children whose family are on a low income to a school chosen on grounds of religion or belief (**see Section A6**).

b. Concessionary transport (spare seats)

Concessionary transport is the term given to the provision of spare seats on LCC contracted vehicles for school/college transport which are not needed for entitled children and there is no alternative fare paying service available.

The provision of concessionary seats is made subject to the payment of an annual contribution. The annual contribution is reduced in proportion to the number of school/college days remaining in the year when transport is provided.

The allocation of concessionary seats is normally made only after the main body of entitled children's transport has been arranged. The allocation of seats is made according to the criteria which are set out in Appendix F.

Concessionary applications can be made online at www.lincolnshire.gov.uk/schooltransport.

A10. Appeal against a decision to refuse home to school transport

Parents/carers who have been refused help with transport to school or college may appeal the decision. There are two stages to the appeal (review) of a decision. The appeal/review process is explained in Appendix C of this document

A11. Exceptional circumstances

- a. Free home to school transport for pupils aged 5-16, and subsidised home to school or college transport is available to pupils/students aged 16-19 who qualify under the policy criteria outlined in Sections (1) to (9) above. Transport is offered to the nearest or to the designated school or college, subject to the criteria being met, summarised in Section A2.
- b. Free transport can only normally be offered to children/students of school age, who live within the statutory walking distance (2 miles or 3218 metres at primary stage and 3 miles or 4827 metres at secondary stage) if the route to the school is deemed to be unsuitable to walk (see A12 below).
- c. With the exception of the specific instances of low income based entitlement outlined in A5 and A6 above, income or lack of income or non-availability of private transport **is not used as a determinant** of transport eligibility. In this respect parents are advised to check carefully their transport entitlement position before applying for the admission of children to particular schools, if transport provision is an important factor in their decision. See the summary of the policy in Section A2.
- d. LCC is obliged to consider any exceptional circumstances which parents cite in support of their application for home to school transport or subsidised home to school or college transport for post-16 Study. The term 'exceptional circumstances' is not exhaustive and thus parents may bring forward any circumstances they consider to be exceptional and which might prevent them from ensuring that their child attends school. These could include medical or other grounds (either of the child or the parent/carer) where the child is attending their nearest or designated school, or sudden traumatic changes in the family's circumstances arising from factors outside the parents' or child's control and where Children's Services or health

professionals support the provision of transport in exceptional circumstances. Evidence to support the provision of transport exceptionally will be required. The final decision is made by the officer in Children's Services Transport Commissioning subject to right of appeal.

- e. Applications for transport in exceptional circumstances should be made on the standard form. Any supporting evidence should be included with the application. The application is considered against the policy, which has provision for certain defined circumstances (e.g. emergency housing provision) and if the application is refused by the Transport Entitlement Officer the parent/carer is entitled to appeal the decision, using the Review Procedure outlined in **Appendix C and Appendix E**.
- f. The following types of circumstances, which is not an exhaustive list, may be argued as exceptional circumstances in claims for transport to a school which is not the nearest/designated one to the home address:
 - Sudden and traumatic changes in family circumstances, outside the control of the family and which could not have been foreseen and which prevent the family making their own arrangements.
 - A change of school due to exceptional circumstances where it is agreed by both the school formerly attended and the receiving school that the change of school is necessary. An application on these grounds should be made and agreed in advance by the Local Authority **before** the change of school. This is known as a 'managed move'. **See Section A21.**
 - Circumstances outside of the control of the pupil or the family which prevent them carrying out their duty to ensure that the pupil travels to school safely.

However, the following circumstances would not normally be considered as exceptional under the policy:

- Change of address
- Parent(s) unable or unwilling to transport child to a school or college, or to a pick-up point where transport is not provided by the LCC under an entitlement
- Change of school due to alleged bullying or other problems, unless these have been investigated and a recommendation made to LCC **before** the change of school (a managed move).
- Non-entitlement which arises from a particular school or college choice by the parent/carer or student/pupil
- Loss of employment
- Loss of private transport arrangements
- A request for transport for a sibling unless they qualify under the policy
- Children subject to shared custody whose parents/carer request transport from both addresses.

A12. Determining available walking routes to school or to a transport pick up point or drop off point (reception to year 11)

a. Walking routes to a school or to a transport pick-up point are deemed available if they can be used by a pupil, accompanied if necessary by a responsible adult, in reasonable safety. The determination of route availability is made according to the policy. Route availability can be reassessed at any time and if found to be suitable

transport provision will be removed with reasonable notice.

b. See Appendix D for LCC's policy on suitability of walking routes and guidelines on determining route suitability.

A13. School transport for medical or other related reasons

Transport for medical reasons, in relation to a child or parent, will only be considered if the pupil is attending their nearest or designated transport area school or college.

- a. Pupils who have medical conditions or needs which are considered as part of their special educational needs will have their transport needs assessed as part of the process of drawing up their statement of special educational needs or EHC plan.
- b. If the pupil is not subject to a statementing process or EHC plan, and has a condition which prevents him/her walking to school, or to a travel pick up point, to attend the nearest or designated school or college, this should be noted on the transport application form.
- c. LCC will provide home to school transport in this case on production of medical evidence that walking is not possible for medical reasons or due to special educational needs and/or disabilities. In these circumstances, transport provision is

normally reviewed at least annually, unless it is clear that the condition is to last for an indefinite/longer period.

d. There is no exhaustive list of medical conditions that would cause an entitlement to be created exceptionally and each case is considered individually. In general, LCC's policy is guided by its basic responsibility in law to secure the attendance of children by making whatever transport arrangements might be necessary. LCC does not seek to take the responsibility from the parent or guardian in this respect, where an entitlement to home to school or college transport has not been established. Only in the situation where the parent or guardian cannot be reasonably expected to discharge their responsibility would LCC consider providing transport. Chronic conditions such as Asthma, Autistic Spectrum Disorder (including Aspergers Syndrome) and other well-known conditions would not normally constitute a medical condition that would lead to an automatic transport entitlement from LCC.

- e. Any request for transport assistance on the basis of a medical condition should be noted on the application form at the time of applying, or in writing to LCC when the condition is identified. Medical and/or expert evidence will always be sought in support of the application.

Temporary medical condition of pupil

- a. Transport may be provided for a pupil or student who would be entitled to transport under the policy to attend their nearest or designated school or college, if they develop a temporary medical condition which prevents them from walking, cycling or taking the bus. In this case, transport may be provided on a temporary basis to enable the pupil or student to continue to attend school or college.
- b. Temporary medical transport is reviewed and a termination date is set for the transport. Prior to the end date, a review may authorise a further temporary period.

Medical condition of parent

- a. Home to school transport is not normally provided for pupils or students on account of the medical condition of the parent or guardian who would normally accompany the pupil to school or to a pick up point.
- b. In exceptional circumstances, transport may be provided for a primary aged child from home to school or to a pick up point for transport if medical evidence is available that the parent(s) cannot reasonably make their own arrangements, which might involve arranging a suitable other adult to accompany their child, if this is deemed necessary. It is generally for the parent or carer to make a judgement that it is necessary for the child to be accompanied.
- c. If the exceptional circumstances warrant transport support, this will usually be given temporarily, with a review date.
- d. If the parent/s cannot be reasonably expected to ensure their children are accompanied to school or to a pick up point, medical evidence would need to be provided to the County Council.

A14. Determining nearest and/or designated school or college

School/college transport is provided to qualifying pupils and students to their designated or nearer school or college. LCC operates Designated Transport Areas (DTAs) which are based largely on parish boundaries or postcodes, and which indicate the schools or colleges to which pupils and students may receive transport, subject to meeting the criterion on distance. Details of DTAs are in Appendix G. Transport will be offered to the school/college named in the DTA or to a nearer school or college, subject to the distance criterion being met (see section A2).

A15. Progression and number of years entitlement to transport provision or support

- Primary school children**

Transport entitlement is offered to qualifying children whose parents apply at the primary stage until the end of primary school (end of year 6). Transport would not normally be removed before this time unless there was a change of school or a change of address necessitating a new application or in the case of an unsuitable route, the route is subsequently adjudged to be suitable to walk (see Appendix E). Pupils are entitled to make use of transport when they are able to attend school full-time. If transport entitlement is awarded in error, LCC reserves the right to remove the transport entitlement at one term's notice.

- Secondary school children**

Transport entitlement to qualifying secondary age children is normally awarded until the end of the secondary stage (the end of Year 11). Transport entitlement would not normally be removed before this time unless there was a change of address or a change of school, necessitating a new application, or if an unsuitable route subsequently adjudged suitable to walk (see Appendix E). If transport entitlement is awarded in error, LCC reserves the right to remove the transport entitlement at one term's notice

- **Sixth form/further education students**
Subsidised home to school or college transport is made available on an annual basis for students until age 19 (extended to age 25 for SENDS students). Entitled students are advised to apply for home to school or college transport prior to the beginning of the school or college year in question. To qualify for home to school or college transport the student must meet the distance criterion, be attending the nearest or designated school or college, and be aged under 19 years on the 1st September of the school or college year for which transport is being applied for.

Travel arrangements are made only upon payment of the student contribution. Students are encouraged to research any alternative travel

options from their local transport providers or school or college before choosing to utilise and paying for the transport provided by the Council (see section A7).

- **Students with SENDs aged 18 and over**

Subsidised travel for post-16 students with learning difficulties and/or disabilities is provided on an annual basis, up to age 19, with the exception that further travel support is provided where necessary beyond the age of 19 until age 25 years for students with SENDS who need to study beyond age 18 to complete a course of study and who began their courses before age 19. LCC's policy in this respect is consistent with guidance on post-16 education travel issued by the DFE.

A16. Progression and repeat years

Home to school transport entitlement is intended to facilitate progression through the educational phases. Free or subsidised home to school transport is not available for repeat years or to take courses at the post-16 phase which are not considered to be progression from courses already taken. It is thus

not normally possible to obtain transport support to take a second Level 3 course if this level has already been achieved. This policy does not apply to students SENDs for whom a longer period of study is sometimes necessary provided it is to facilitate progression.

A17. Train travel

- a. Transport is provided to pupils and students using the most efficient or cost effective mode of travel that meets LCC's minimum standards in relation to safety and security.
- b. Train travel is included in the range of options available to us and will be offered where it is the most appropriate solution. There is however, no right to opt for train travel if this is not offered.

A18. Teaching and Learning Centres (TLCs)

Transport is considered to a number of Teaching and Learning Centres (TLCs) in the County which are intended to provide temporary placements for pupils at risk of exclusion or for alternative provision. Pupils are funded in these settings following negotiations between their local school, the TLC Services and/or the Pupil Re-integration Team at the

County Council. Transport entitlements from home to the placements are made against the normal criteria and will only be considered to the nearest placement that can meet the child's needs and the centre is over the distance criterion mentioned above (See Section A2).

A19. Children permanently excluded from a previous school

Children permanently excluded from a school must continue to undertake full-time education. In these circumstances transport support may be provided to an alternative setting for the child concerned,

provided the new setting is the next nearest suitable establishment. The placement of pupils is usually supported and agreed by the Council's Pupil Re-integration Team.

A20. Home Tuition

Where it is deemed appropriate for a child to receive one to one tuition, often referred to as 'home tuition', it may be necessary for the learning to take place at localised centres rather than at the home. In these cases, transport entitlements from home to the placements are made against the normal criteria and will only be considered to the nearest placement that can meet the child's needs and the centre is over the distance criterion mentioned above (See Section A2).

A21. Managed moves between Lincolnshire Schools

- a. A managed move is a move by a pupil from one school to another for exceptional reasons, which is arranged and agreed by the Heads of both schools involved in the move, as well as by LCC and the pupil's parents. Managed moves are arranged under the Guidance issued by the Department for Education to local authorities on managing behaviour.
- b. In some circumstances it is necessary to provide home to school transport for pupils subject to a managed move. In cases like this transport is normally provided only to the next nearest school with a place.
- c. A move of school arranged by headteacher or parents which is not agreed by LCC under the terms of the guidance is not classified as a managed move, and the normal criteria for home to school transport will apply in such cases.

A22. Looked After Children and children in care

Looked After Children (LAC) by the local authority often experience sudden changes of placement. In the event that a request or application is received for home to school transport the following will apply:

- Lincolnshire Looked After Children in a temporary placement will be entitled to transport to their current school to ensure continuity of education. Transport provision will be reviewed with the responsible Social Worker regularly throughout the period of entitlement.
- Lincolnshire Looked After Children in a permanent placement will be entitled to transport to a school that has been assessed as suitable by Social Care. Usual conditions regarding the designated transport area school and distance criterion will not apply in these circumstances.
- The Children's Commissioning Manager for Transport will make the final decision as to suitable transport arrangements following consultation with the responsible Social Worker.

- It is the duty of the Social Worker to inform Transport Commissioning immediately of any change in a placement that affects transport arrangements or entitlement.
- Post 16 students, in or leaving care, will not be subject to a charge for transport provision.
- Children looked after by another local authority will not be entitled to free transport provision from Lincolnshire County Council. However, following a request from the other authority's social worker, transport arrangements can be made by the Transport Services Group provided the other authority has approved and agreed to meet the costs of the transport.
- Children subject to a Special Guardianship Order (SGO) are not entitled to the same transport rights as looked after children. Applications for transport will be assessed in accordance with the home to school transport policy.

SECTION B Procedures, Processes and Guidelines on transport/safety and security

Section B1. Applying for transport

- A booklet, Going to School in Lincolnshire, is produced by Children's Services and is available online at: <https://www.lincolnshire.gov.uk/parents/schools/school-admissions/contact-details-and-guides/121140.article> to help parent/carers make decisions about their child's education and provides information about school transport entitlement.
- The County Council also publishes, each year, 2 guides to school and college transport:
 - Home to School Transport
 - Home to College Transport
- Home to School and College transport applications are updated and made available around March each year by the Transport Commissioning Team. Applications may be made online at: www.lincolnshire.gov.uk/schooltransport or a parent/carer can request a paper application by ringing the Customer Service Centre on 01522 782020.
- If a child is applying for a school place through Admissions parents/carers will be able to indicate that they want transport provision by ticking a box on the form accepting an offer of a school place. Where parents choose a further distant school to that of the nearest or designated school they cannot assume transport will be provided to that school. Transport entitlement will be assessed in accordance with this home to school transport policy.
- Requests for transport on grounds of low income based on a particular faith or belief are made on the form and require confirmation from a minister of the religion that the pupil is a regular attendee at the church of the same faith as the school.
- Where transport is requested on medical grounds, supporting evidence is required. If a parent/carer has a medical condition that makes it impossible for them to ensure the primary aged child arrives safely at the bus stop or school, medical evidence is required from the relevant medical professionals. Any fees charged are the responsibility of the parent/carer.
- Completed forms are to be returned to the Transport Commissioning Team.
- Defined policy and legislative criteria are applied by the Transport Commissioning Team to determine the eligibility status of each applicant.
- If any doubt exists about the measurement and safety of a route to school or to the transport pick up point, the route is assessed to determine its suitability.
- All applicants are notified of the eligibility decision in writing (letter or e-mail).
- Where an annual payment or contribution is required, the payment must normally be received by LCC before the transport arrangements are put in place. The contribution can be paid as follows:
 - In full;
 - In three instalments;
 - In six instalments;
 - For the academic year 2017/18 the council is looking to introduce the option for payments on-line via direct debit in 10 instalments. At the time of going to print this option was not live, but it is hoped this will be available imminently.

B2. Time guidelines for processing application

- a. After receipt of a valid application, the Transport Commissioning Team aims to process applications and make a decision on the application within 5 working days. At busy periods (July – September), this guideline is dis-applied if it cannot be reasonably met, but as far as possible a valid application is processed quickly.
- b. The County Council's Transport Services Group also operates a 5 day guideline for transport provision, which is dis-applied during busy periods. We advise that transport is applied for in good time, to ensure that there is sufficient time to allow for transport provision to be made,

B3. Length of Journey

where appropriate. There are no legally-binding guidelines regarding the length of journey to and from school or college, other than the requirement that the LA must provide non-stressful transport. However, the previous

guidelines of 45 minutes for a single journey at the primary stage and 75 minutes at the secondary stage continue to be applied. For pupils making long journeys, normally to special schools or to college, the County Council will strive, wherever possible to

B4. Pick up/Drop off points

meet those guidelines where feasible. Pupils may be required to make their own way from their home to a transport pick up point for the onward journey to school. The reverse may be true for the end of the school or college day. At present pupils may be expected to make their own way

to a pick up point, accompanied if necessary by a responsible adult, up to 1 mile at the primary stage, two miles at the secondary stage, and three miles at the post-16 stage. Pupils of school age (Reception to Year 11) are only expected to walk routes to a pick up point that is designated as suitable to walk (see

B5. Pupils' safety when walking to school or to or from a transport pick up/drop off point

section A12 above). Where pupils eligible for transport of school age have to make their own way to or from home to a transport pick up point or a school, the County Council is not normally responsible for ensuring their specific safety en route. Parents or carers are expected to take responsibility for ensuring their children's reasonable safety in these circumstances.

If the route from home to school or home to a pick up point for eligible children (5-16 yrs) is considered unsuitable to walk, then the County Council will arrange transport from a point nearer or at the home address to remove the need to walk. Route suitability is determined by the County Council, using its criteria published in this policy document

B6. Safety on school transport

(See Appendix D).

a. Legal duties and responsibilities

The County Council is responsible for the safety of all pupils and children on its contracted transport operations. In arranging and providing home to school transport, the County Council works with its transport partners and other key stakeholders to ensure its operations meet or exceed all statutory health and safety requirements, and promote a culture of safe

transport. These partners include the police, the Lincolnshire Road Safety Partnership (which also includes the police), schools, our transport operators and contractors, the Health and Safety Executive and others.

b. Max Respect

Max Respect is the name of the County Council's initiative to promote safety awareness and good behaviour on buses and school transport. Max

Respect is a toolbox of initiatives, programmes and training and development highlighting the need to promote good behaviour and safety awareness concerning young passengers. Further information and details can be accessed from the Max Respect website:
www.lincolnshire.gov.uk/maxrespect

c. Seatbelts

Seatbelts are compulsory in all cars on public roads and all private vehicles, including numbers with up to 16 seats and must be worn in these vehicles.

Seatbelts are not compulsory on coaches or public transport vehicles and are not fitted on trains, but the County Council promotes the use of seatbelts whenever they are fitted in vehicles. Where seatbelts are fitted the County Council expects them to be used and may refuse to provide transport if a passenger refuses to use one.

B7. Pupil conduct issues

- a. The ongoing management of pupil conduct that arises on home to school transport is a time-consuming function for the County Council. Approximately 21,000 pupils are provided with home to school transport each year, which involve around 9 million journeys annually. Problems can and do arise relating to pupil conduct. In response to this, the Transport Services Group has developed Max Respect, a toolbox of actions, initiatives and guidelines aimed at encouraging and rewarding good behaviour on home to school transport. For further details see
www.lincolnshire.gov.uk/maxrespect

- b. The County Council has invested in CCTV

d. Child Protection and Disclosure and Barring Service (DBS) checks. (Previously Criminal Records Bureau)

The County Council has a legal duty to ensure that children are protected from harm by others whilst they are in the care of the Council. This duty specifically applies when they are being transported to and from school.

In order to enhance child protection en route to school, the County Council requires all drivers and escorts of children on contracted vehicles to be checked by the Disclosure and Barring Service (DBS) at enhanced level, at least every three years. Drivers and escorts (passenger assistants) are offered training and development to enable them to discharge their duties well, and there are procedures for registering concerns and complaints should these arise. Passenger assistants are employed to help where this is needed

on many of the buses used for home to school transport. The purpose of the investment is to help ensure the safety and security of passengers. Unless the film footage is needed to verify reported incidents it is deleted shortly after being recorded.

- c. Pupils behaving in an unacceptable manner can be issued with a warning or in serious or repeated cases, be suspended from home to school transport (the purpose of suspension is to protect other passengers).
- d. When a transport provider is requiring payment for the cost of damage caused by a pupil, this will be the responsibility of the parent/carer.

B8. Driver conduct issues and safeguarding

- a. Max Respect has been extended to incorporate issues relating to driver training and conduct. All drivers are now offered specialised training in issues relating to conduct, with training updated regularly. Drivers of all contracted vehicles are required to hold valid DBS checks. The County Council has produced a Driver's Pack which summarises the roles and responsibilities of drivers, children and others involved in the provision of home to school transport. Regular training and updating is offered to drivers of

contracted services and to passenger assistants.
b. Where an allegation is made against a driver the situation is fully investigated in accordance with legal guidelines. If a child protection issue arises this is investigated immediately under the control of the Lincolnshire Safeguarding Children's Board. The County Council's Child Protection Officers and the police would normally be involved in the investigation if the allegations involve improper conduct against a child as distinct from allegations about poor driving.

Appendix A: The statutory background to the Council's Education Transport Policy

The National Policy

The Education Act of 1996, as amended by the Education and Inspections Act of 2006, section 508, 509 and Schedule 35B puts forward the statutory requirements that all councils within England responsible for school transport must follow regardless of the circumstances.

A council has a statutory duty to make such travel arrangements as it considers to be necessary to ensure an eligible child's attendance at school. In general terms, under the 1996 Act a Council must provide transport to and from school for a child aged 5 to 16 between its home address and the nearest qualifying school, under certain conditions. It states that children are eligible to free transport if they are attending their nearest qualifying school and their address is located further than the statutory walking distance (2 miles for children up to age 8 and 3 miles for children aged 8-16). The statutory walking distance is disregarded if the child could not be expected to walk a distance due to a disability or learning disability.

Furthermore, children entitled to free school meals and from low-income families are eligible to free transport if they attend a school between 2 and 6 miles and one of their three nearest suitable qualifying schools. If the child attends a faith school and they are from a low-income family, then the distance increases to between 2 and 15 miles. Children from low-income families have been defined in multiple ways within the Councils' home to school transport policies, but generally they can be described as such: in order to be qualified as a child from a low-income family, the parent or carer has to be receiving either Income Support, Income-based Job Seeker's allowance, Child Tax Credit whilst having an income below £16,190 per annum (this figure may change in accordance with government guidance), State Pension Credit or the maximum level (i.e. not reduced to income) of Working Tax Credit. These children are therefore entitled to an additional level of transport assistance.

Paragraph 15 of Schedule 35B of the 1996 Education Act (inserted by the Education and Inspections Act 2006) defines the meaning of a qualifying school and lists them as:

- Community, foundation or voluntary schools;
- Community or foundation special schools;
- Schools approved under section 32(non-maintained special schools);
- Pupil referral units;
- Maintained nursery schools or
- City technology colleges, city colleges for the technology of the arts or academies

Statutory Guidance ("Home to School Travel and Transport Guidance – Statutory Guidance for Local Authorities") issued in July 2014 expands this statutory definition by stating that the duty extends to the nearest suitable school which it describes as the nearest qualifying school with places available that provides education suitable to the age, ability and aptitude of the child and any special educational needs of the child.

In law, a qualifying school is simply a school falling within the list set out in the Act.

A council has discretion to provide transport to those children who do not qualify under the statutory duties (Section 508C of the 1996 Act as amended). The guidance issued to local authorities gives them discretionary powers to provide transport to children who are not automatically entitled to free transport. The guidance states that it is for local authorities to decide whether and if it will apply its discretion and offer transport support to non-entitled learners. Discretionary transport support does not have to be provided free of charge.

The Local Policy on Home to School Transport

The Home to School and College Transport Policy is published annually by Lincolnshire County Council, in line with statutory requirements. It is amended as required by changes in the law or by decisions taken by the Council to change aspects of the policy. The Council may only amend those elements of the policy which are at its discretion. Statutory requirements in respect of school transport must always be met.

Entitlement to school transport in Lincolnshire is based on the statutory duties outlined above, and

the Council's own policy to provide free transport to a school from an address in a Designated Transport Area (DTA) for a particular school, subject to the walking distance criterion of 2 or 3 miles being met. A DTA is an area around a school, indicating a transport entitlement. The Council has DTAs for:-

- Primary mainstream schools
- Secondary grammar schools
- Secondary non-grammar mainstream schools
- Sixth form centres
- Colleges of further education

16 Education & Training

The Council has a statutory duty under Section 10 of the Education and Skills Act 2008 to exercise its functions so as to promote the effective participation in education or training of persons belonging to its area with a view to ensuring that those persons participate in appropriate full time education or training, an apprenticeship, or are in full time occupation and participate in sufficient relevant training, all pursuant to section 2 of the 2008 Act.

The Council also has a statutory duty to publish a Post 16 Transport Policy Statement every year, setting out the arrangements for the provision of transport or otherwise that the authority considers it necessary to make for facilitating the attendance of persons of sixth form age at schools, any institution maintained or assisted by the authority which provides further education or higher education or both, any institution within the further education sector, any 16-19 academy or any other establishment at which the authority secures the provision of education or training.

Post 16 transport to education and training statutory guidance dated February 2014 requires the council, in planning transport provision to take into account its duty to promote effective participation under the 2008 act and the duty under section 2 of that act on young people to participate in education or training up to age 18. To achieve the aim of ensuring access the Council subsidises the cost of Post 16 travel in Lincolnshire to support access to education and training opportunities for learners of sixth form age. This subsidy ensures that the cost of this travel is not a barrier to accessing opportunities, as is required in the guidance issued to local authorities by the department for education.

Equality Act 2010

The Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it: Equality Act 2010 section 149(1). The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: section 149(7)

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in this section may involve treating some persons more favourably than others.

A reference to conduct that is prohibited by or under this Act includes a reference to:

- A breach of an equality clause or rule
- A breach of a non-discrimination rule

An Equality Impact Analysis (EIA) supports the conclusion that the policy does not breach equality clauses or rules or breach non-discrimination rules. In particular, the specific transport needs of all children are assessed, and a child or young person who did not qualify for transport on distance grounds, would not be expected to make use of a walking route if they could not be expected to walk even a relatively short distance to a school or other educational setting.

Human Rights

Article 2 of the First Protocol to the European Convention on Human Rights provides that "No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the state shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophic aims."

However English case law establishes that this Article is not engaged in relation to considerations of school transport. The Article is concerned with access to educational institutions and the policy does not deny access to any of the educational institutions which are provided within Lincolnshire.

APPENDIX B: Special arrangements for transport in some areas of Lincolnshire for secondary schools, grammar schools and colleges of further education

Fishtoft Parish

Secondary age pupils living in the parish and whose homes are within 3 miles of the Haven High Academy, Boston are not entitled to transport to the Giles Academy, Old Leake.

Pupils living in some areas served by William Lovell Church of England Academy, Stickney.

If you live in East Fen, Eastville, Midville, New Leake, Sibsey, Sibsey Northlands, Stickford, Stickney, West Fen and Westhouses may be entitled to school transport to go to either the William Lovell Church of England Academy or the grammar stream at King Edward VI Academy, Spilsby, as long as the distance between your address and the school is over 4827 metres (three miles). However if you are from this area and you want your child to go to the other stream at King Edward VI Academy, Spilsby you will be responsible for any transport arrangements and costs.

Grantham area

If you live in the area served only by the secondary schools within Grantham town, you will be entitled to school transport to any school in the town as long as the distance between your home address and the nearest non selective secondary school within Grantham is over **4827 metre (three miles)**.

Lincoln

If you live within the city of Lincoln, which is served by a number of secondary schools, you will only be entitled to transport to the nearest school to your home address if the distance between home and school is over **4827 metre (three miles)**.

Louth

If you live in the area served only by the secondary schools in Louth, you will be entitled to transport to any of these schools as long as the distance between home and the nearest non selective school is over **4827 metre (three miles)**.

Children living in areas that are served by more than one primary school

For transport purposes primary age children would be expected to attend their nearest school. Transport would only be provided if the nearest school with a place (as allocated by School Admissions) is over two miles from the child's address.

Schools in the unitary authorities of North-East Lincolnshire and North Lincolnshire

Some Lincolnshire villages near to the boundaries of the authorities mentioned above are closer to schools in those areas than to schools in Lincolnshire. The following arrangements apply:

- i. If you live in Waddingham, Snitterby, Bishop Norton, Hemswell, Harpswell, Glentworth, Willoughton, Blyborough, Atterby, Brandy Wharf or Grayingham, your child may be eligible for transport to Huntcliff School in Kirton Lindsey (phone 01652 648276). However, if you live in the Lincolnshire villages named above and get a place for your child at the Market Rasen De Aston School, you may also get home-to-school transport.

- ii. If you live in Scotter, East Ferry, Scotton or Northorpe, your child may be eligible for transport if offered a place at Queen Elizabeth's High School, Gainsborough or to The Gainsborough Academy or Huntcliff School in Kirton Lindsey (phone 01652 648276).
- iii. If you live in Tetney, Holton le Clay, Waite, Grainsby or North Thoresby, your child may normally receive transport if offered a place at Toll Bar Academy, Station Road, New Waltham, Grimsby (phone 01472 500505). If you are offered a place for your child in one of the Louth secondary schools, your child may also be eligible for home-to-school transport.
- iv. If you live in Keelby or Riby, your child may normally be eligible for transport to Healing School – a Science Academy, Low Road, Healing, Grimsby (01472 502400) Caistor Yarborough Academy or Caistor Grammar School.

APPENDIX C: Guidance for applicants on appealing a decision to refuse home to school or college transport

Lincolnshire County Council's Home to School and College Transport policy sets out the criteria for determining transport entitlement to schools and colleges. The policy meets the requirements of the law and explains other circumstances for which LCC uses its discretion to further entitle children and young people living in Lincolnshire to education transport support. The criteria explained in the policy are applied to all applications.

You will find details of those criteria in the booklet which accompanies the application form or in the policy document available from the County Council (tel: 01522 782020) or on the LCC website at: www.lincolnshire.gov.uk/schooltransport.

Once your application has been considered, you will receive a letter to tell you whether the decision on your transport application – either an acceptance of the application, or a refusal to provide transport, with an explanation of the reason for the refusal.

If you believe that a mistake has been made in considering your application, or there is other information which we were not aware of at the time the application was considered, which would have affected the decision, you can contact us to discuss this at:

- By ringing the Customer Service Centre on 01522 782020. An adviser who is trained to deal with transport queries may be able to help. If not, they will take a message for the Transport Commissioning team to contact you.
- By emailing SchoolTransportApplications@lincolnshire.gov.uk with your query or information. We will get back to you within a short time.
- By writing to: The Transport Commissioning Team at County Offices, Newland, Lincoln. LN1 1YL. We will respond to you within a short time.

Review of Application (first stage of appeal process)

If, after receiving a decision to refuse your application, you believe that the decision to refuse transport is wrong against the policy or the law and you can evidence this, you may appeal the decision within 20 days of the refusal of transport. Grounds for appealing the decision would be:

- The Council has failed to apply its own policy or the law correctly to an application, and/or
- There are exceptional circumstances (see below) that you feel should be taken into account in considering the application, or
- The refusal is based on the existence of an

'available walking route' to a school or pick-up point for transport and you are challenging the suitability of the route (see appendix E for details of assessment of route suitability)

An appeal should be made in writing, either on the form reproduced as Appendix E, or by e-mail or letter to the address above, including the pupil's name, your name and the TRA reference number from the decision letter.

At this stage the appeal will be considered by a senior officer of the service, who will not have dealt with the original application, and your application will be looked at again, and the information you have supplied in the letter of appeal considered. A decision on your application will normally be given, in writing, within 20 days.

Second Review of Application (final stage of appeals process)

You may make a further and final appeal within 20 days of your first appeal if your first stage appeal has not been accepted, if you believe the decision to be wrong against the policy or the law, or you believe that there are exceptional circumstances which have not been considered properly or at all, and which should cause transport to be given.

The second appeal should be in writing, to the same address as before. The second stage appeal will be decided by an independent panel who will consider all the information available to him/her, and ask for information from any relevant source. The earlier decisions will be reviewed and any new information presented in the second stage appeal will also be considered. At this stage you should expect to have to supply evidence in sufficient detail to demonstrate that the Council's earlier decisions were wrong, or that there are exceptional circumstances which mean that the Council should provide the transport where there is no entitlement against the published criteria.

You can supply any information verbally, by telephone, in addition to your written information. This should be done by ringing the Customer Services Centre (01522 782020) and asking to speak to a transport officer, who will take note of your verbal information.

What are 'exceptional circumstances'?

The term 'exceptional circumstances' is not categorical or exhaustive and circumstances are always considered on an individual basis. Thus

parents/carers may bring forward any circumstances they consider to be exceptional and which prevent them from ensuring that their child(ren) attends school, where there is no automatic entitlement to transport under the published criteria.

The following types of circumstances, which is not an exhaustive list, may be argued as exceptional circumstances in applications for transport to a school which is not the nearest or designated one to the home address over the statutory walking distance from the child's home address:

- Sudden and traumatic changes in family circumstances, outside the control of the family and which could not have been foreseen which prevent the family making their own arrangements.
- A change of school due to exceptional circumstances (i.e. outside the normal primary or secondary transfer dates) where it is agreed by the school formerly attended and the receiving school, as well as by the Council, that the change of school is necessary. This is known as a 'managed move' (see Section A22) and an application for transport on these grounds should normally be made **before** the change of school
- Circumstances outside the control of the pupil or the family which prevent them carrying out their duty to ensure that the pupils travels to school safely, where the school is the nearest with a place in the year group

However the following circumstances would not normally be considered as exceptional:

- Change of address
- Parent(s) or carers unable or unwilling to transport pupil to a school or college where transport is not provided by the Council under an entitlement
- A change of school due to alleged bullying or other problems, unless these have been investigated and a recommendation made by or to the council before the change under the 'managed moves' policy (see Section A22)
- Non-entitlement which arises from a school choice by the parent/carer
- Loss of employment
- Loss or non-availability of private travel arrangements
- A request for transport for a sibling unless they qualify under the policy
- Children subject to shared custody whose parents /carer request transport from both addresses.

New Appeals/Review Procedure For Lincolnshire

Application made by Parent/Carer.



Application for education transport refused/route suitability challenge not upheld.



Officer 'A' making decision notifies parent/carer in writing, giving reasons and notifying right to appeal decision within 20 working days of letter.



Parent/Carer challenges decision.



Stage 1 Appeal

Officer 'B' (a more senior officer than 'A') reviews the decision, considering any additional information supplied by the parent/carer and sends a written notification of the decision, with the reasoning and the right to appeal further if appropriate, within 20 working days of the date of the letter.



Stage 1 Appeal upheld - transport entitlement notified and transport arranged.



Stage 1 Appeal not upheld and parent/carer chosen to escalate the appeal to the next stage.



Stage 2 Appeal (20 - 40 days)

Appeal panel (not including Officers 'A' or 'B') considers written and verbal representation from parent/carer. Appeal panel members are suitably qualified.



Decision letter notifying of the result is sent within 5 working days, giving detailed reasons for the decision. If the appeal is not upheld, the panel will consider any other legislative duties or rights in relation to the appeal.



Stage 2 Appeal upheld
Letter notifies this and transport is arranged within 5 working days.



Stage 2 appeal not upheld.



Letter notifying of discussion, giving detailed reasons and information on escalating the case to the LGO.

APPENDIX D: Policy on Determining Suitable Walking Routes to School or to a transport pick up point

Home to School Transport

Lincolnshire County Council has firm policies about entitlement for transport to schools which meet the requirements of the law.

Unless a child qualifies for transport, parents must make arrangements to get their children safely to and from:

- the school, or
- the pick up point to meet the transport

Parents are expected to accompany their children if necessary.

Is your child entitled to transport?

Parents/carers are able to express a preference for a school that they wish their child(ren) to attend but the County Council will provide or pay for transport only to the school within the designated transport area, or to a nearer suitable school and if the distance between home and the school is:

- 2 miles or more for primary age pupils or
- 3 miles or more for secondary pupils.

The distance is measured by the nearest available walking route from the gate of the property (or where public land borders private land) to the nearest accessible gate of the school or to the nearest pick-up point.

Parents/carers of children who are eligible for transport are responsible for making suitable travel arrangements to the nearest transport pick up point for distances up to:

- 1 mile for primary age pupils
- 2 miles for secondary age pupils
- 3 miles for post-16 students attending 6th form or college

What if you consider that the walking route is unsuitable?

An available walking route is one that a child of school age (reception to year 11), accompanied by a responsible adult, may use to get to and from school.

Transport will not be provided for post 16 students for distances less than three miles even if the route is determined to be unsuitable for an accompanied school child to walk.

In considering the availability of a route the Council uses the guidelines issued by the Road Safety GB Group and the following factors will be considered:

- If there is a footpath along the entire route it will almost always be determined as suitable.
- Absence of a footpath does not necessarily make the route unsuitable as long as there is room to step off the road to allow traffic to pass and the traffic flow is within the Council's criteria based on nationally approved guidelines.
- Hazardous road conditions such as blind bends or road narrowing will be considered along with the traffic flow.
- Where there is a need to cross the road, the situation will be assessed against the Council's criteria which are based on guidelines produced by Road Safety GB.

Important:

The County Council does **not** consider the following factors when making a route assessment:

Lonely routes, moral danger, rivers, ditches, dykes and ponds, unmanned level crossings and the absence of street lights or inclement weather.

What can you do if you do not agree with the decision?

If you consider that the policies of the County Council outlined above have not been applied correctly in the case of your child, you should complete the form reproduced as Appendix E and send it to the address given at the bottom of the form.

The decision concerning the provision of transport will then be reviewed. Clearly not everyone who applies for transport to school and college will be eligible, but it is intended that all children will be treated fairly and equally throughout Lincolnshire.

APPENDIX E: Appeal form against a decision to refuse home to school or college transport / appeal against designation of a walking route as suitable to walk.

Reference:

Pupil/Student's Full Name	Date of Birth	TRA number from decision letter

I would like my child's application for home to school/college transport to be re-considered for the following reasons, (please tick)

- The decision made regarding the application is wrong according to the policy or the law.
(Please refer to the Home to School Transport Booklet)
 - There are personal circumstances that apply to the application which should be taken into account.
 - The walking route to the school /transport pick-up point is unsuitable and I would like it to be reviewed

Please give further details below, and attach or enclose any other evidence you think is appropriate

(Continue on further sheet if necessary)

If you are attaching additional evidence please put a tick in the box.

Parent/Carer Name:..... Signed:.....

Address:

Date:

Please return to: Transport Services, County Offices, Newland, LINCOLN, LN1 1YO

APPENDIX F Guidelines on the allocation of spare seats ('concessionary seats') on County Council contracted services

Spare seats on County Council contracted transport services (buses and taxis) to school or college may be allocated to pupils and students who have not qualified for free or subsidised transport, subject to there being no fare paying service on the route in question.

A parental or student contribution is payable for concessionary seats. This cost is calculated on a per day basis.

Concessionary seats are not available if:

- The journey to or from school can be made by local fare-paying bus or train services, or
- There would be any additional cost to the County Council in providing the seat.

The seat is offered for the duration of the academic year subject to payment of the contribution and the proviso below. Re-application must be made annually for a second and subsequent years.

It is a proviso in the award of a concessionary seat that it can be withdrawn at short notice if a seat is needed for an entitled child.

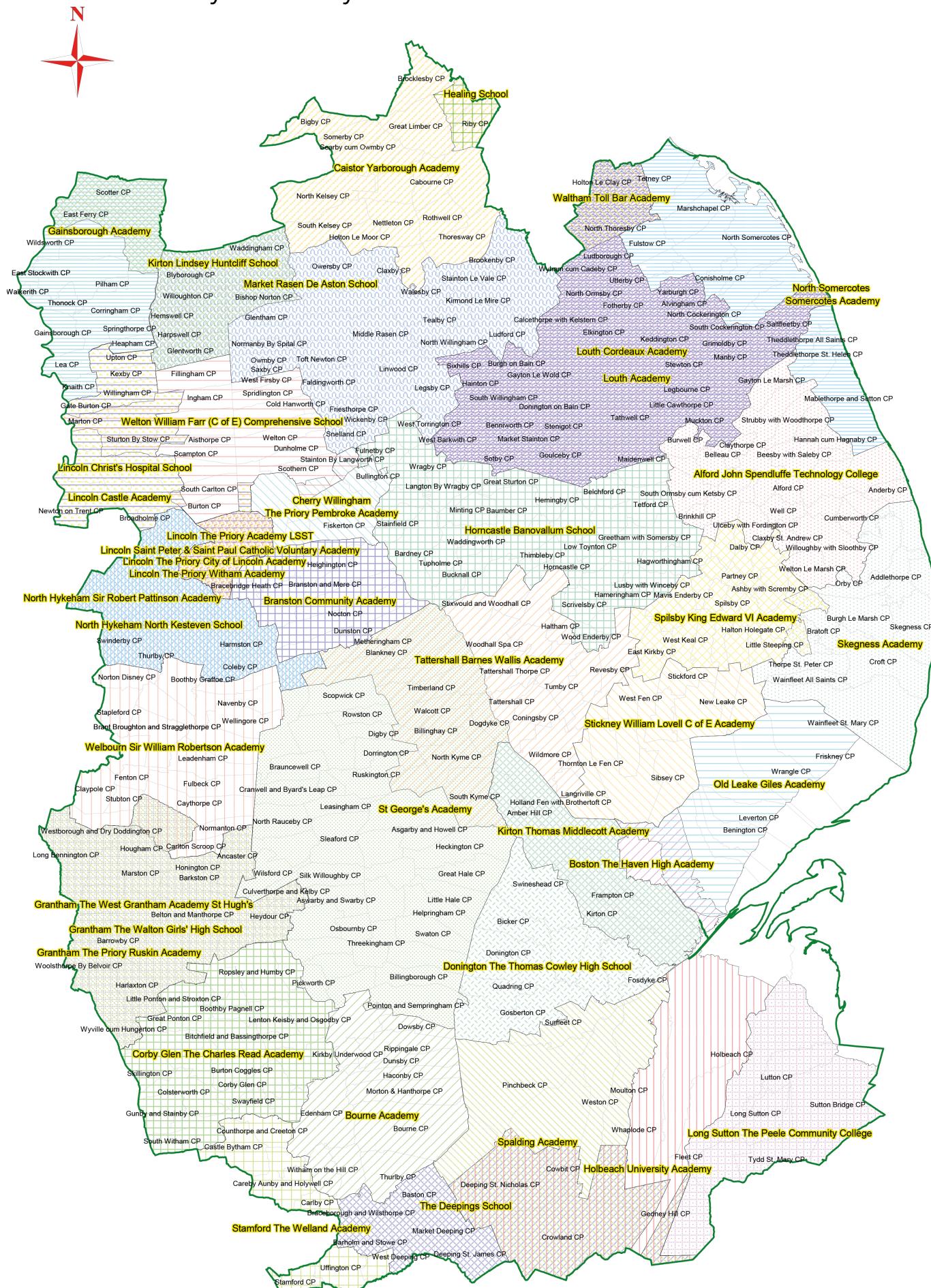
If there are more applications for concessionary seats than there are places available a priority register will be used to allocate places on the following basis:

- 1st Pupils/students living in Lincolnshire
- 2nd Pupils/students who wish to use the transport at both the beginning and end of the school/college day
- 3rd Pupils/students attending the designated or nearest school or college to their home
- 4th Pupils/students who are part way through an exam course
- 5th Those living furthest from their designated or nearest school or college
- 6th Youngest children

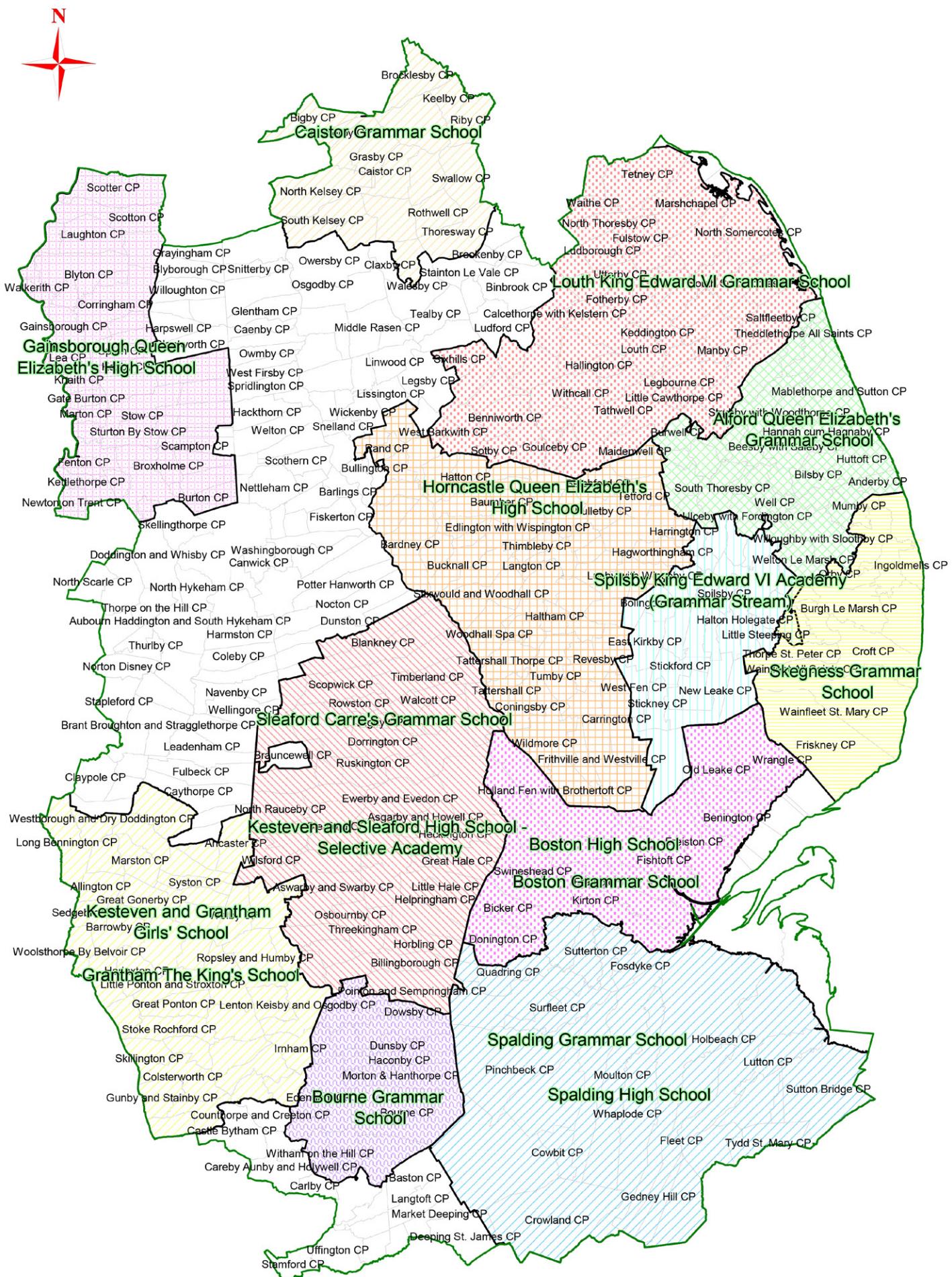
Applications can be made online at www.lincolnshire.gov.uk/schooltransport

APPENDIX G Designated Transport Area (DTA) maps

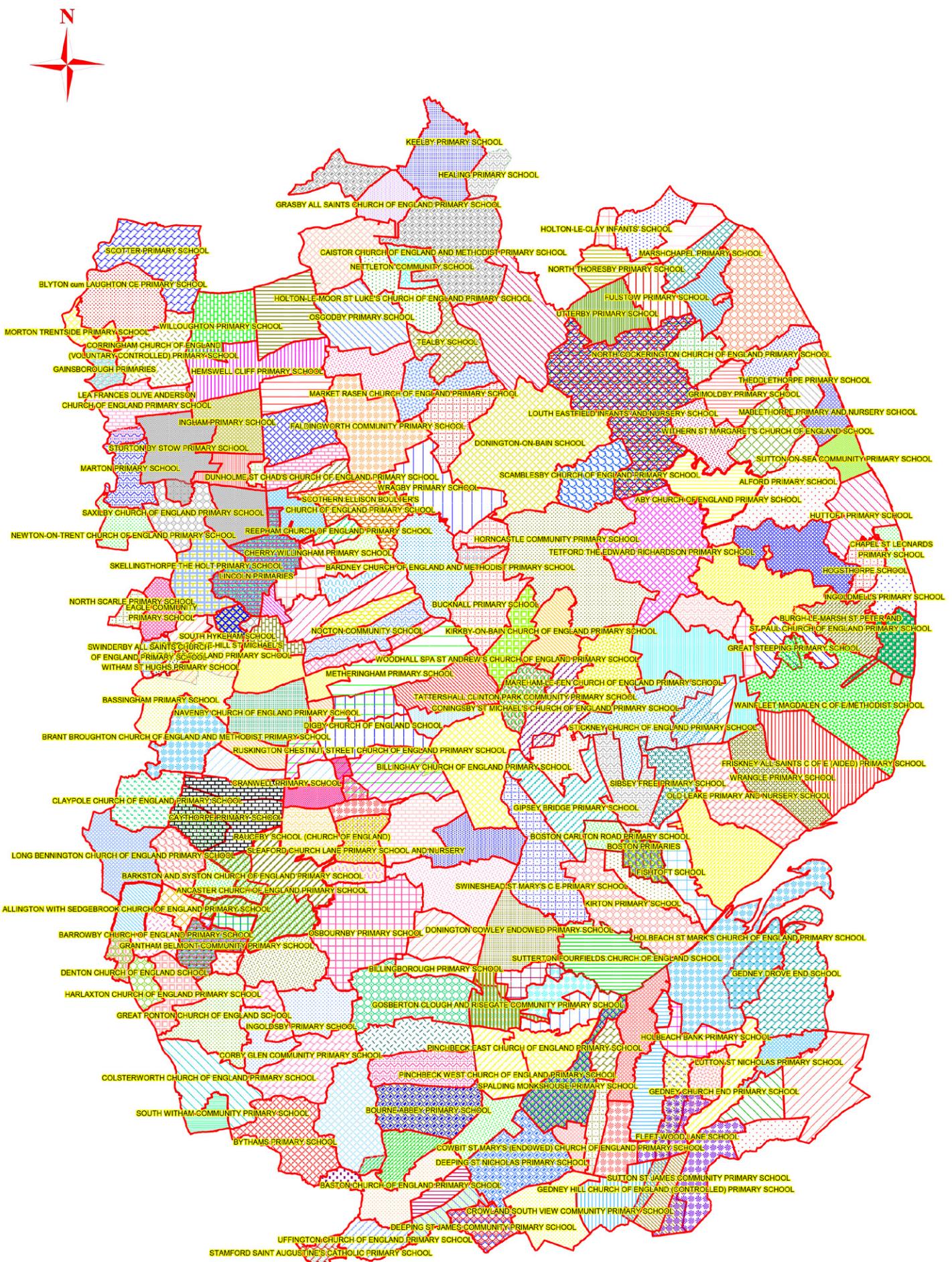
G i. Secondary all-ability school



G ii. Secondary grammar schools



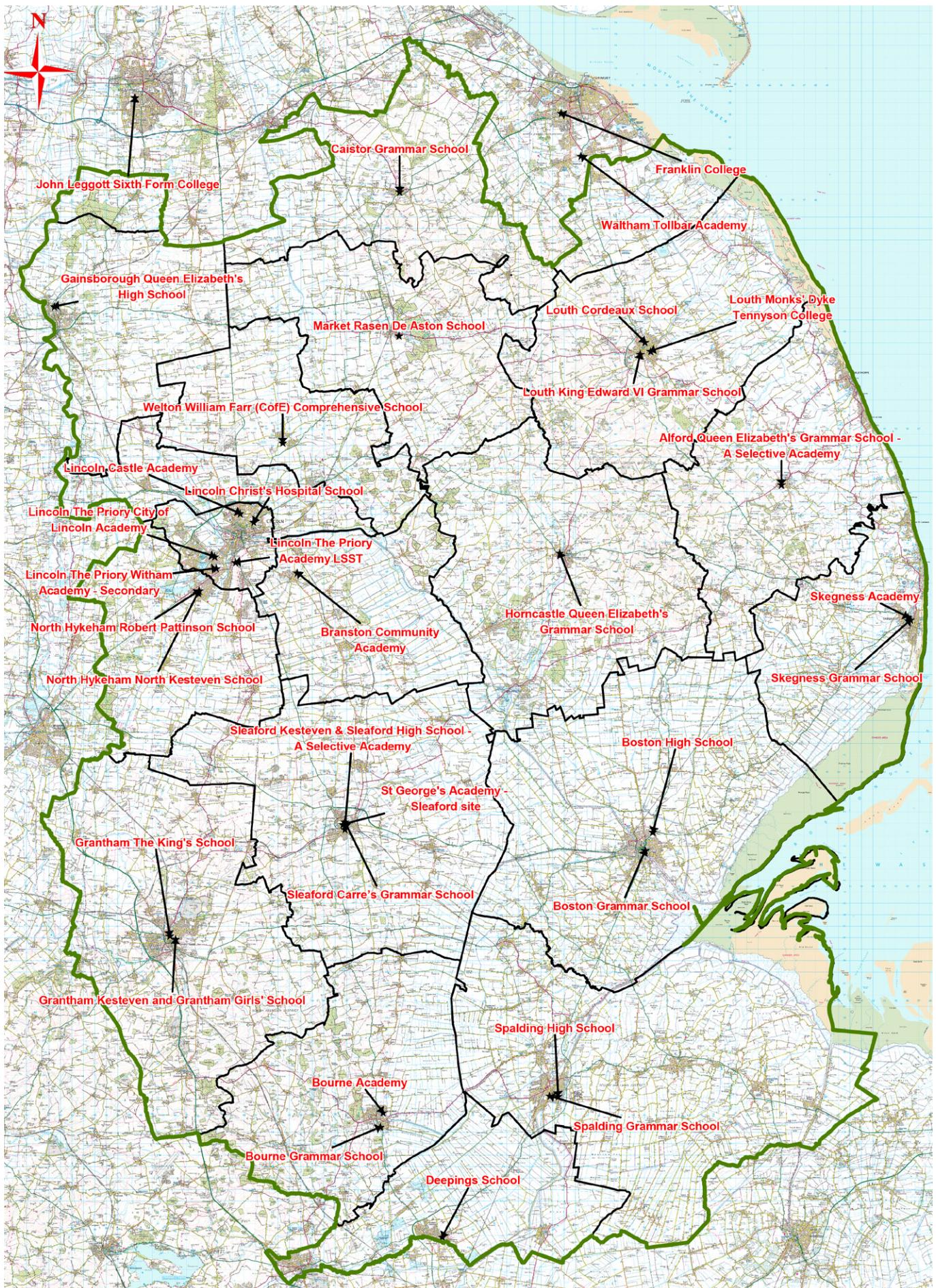
G iii. Primary schools



G iv. Colleges of further education



G v. Designated transport areas (DTAs) for sixth forms



GLOSSARY An explanation of some of the words and phrases used in this policy

6th form – Education offered after age 16 in a school with a sixth form.

Compulsory school age – This is between age 5 and 16. Children may start school before their 5th birthday provided that their 5th birthday falls in the school year in which they start school.

Concessionary Transport – Spare seats on contracted education transport which are offered to non-entitled pupils at a subsidised cost.

Denominational – This word is used to describe the religious character of a school. A denominational school is one which has a religious affiliation.

Designated Transport Area (DTA) – An area around a school or college from which resident pupils/students can get transport support subject to meeting the criteria for entitlement.

Designated Transport Area School/College (DTA School/College) – The school or college to which transport is provided is called a DTA school or college.

Disclosure and Barring Services (DBS) – A DBS check is an enquiry made against a police-controlled database recording offences that have been convicted. DBS checks which can be 'standard' or 'enhanced' are made for all staff employed by or on behalf of the County Council where the staff concerned has any significant contact with children.

Education Funding Agency (EFA) – The government agency which funds post 16 education.

Education and Health Care Plan (EHCP) – A document setting out the education, health and care needs of a child or young person.

Eligible pupil/student – A pupil is eligible for transport when they meet the criteria for the award of transport.

Exceptional circumstances – Circumstances which exist or have arisen and could not have been foreseen, and which prevent the parent or carer from meeting their duty to ensure that their child travels to school or to a transport pick-up point. Exceptional circumstances are considered on an individual basis.

Free/subsidised transport (to school or college) – Free transport refers to transport for which the parent or child pays no charge or contribution. Subsidised transport refers to transport provided or paid for by the County Council for which a parental or student contribution is charged.

Further education – Education offered after age 16 (in a college or sixth form).

Higher education – Education which leads to a qualification above level 3 or advanced level e.g. a degree.

Industry Lead Body (ILB) – An employer's organisation which sets employment and/or training or entry standards for jobs in the vocational area for which they are responsible.

Lincolnshire County Council (LCC / The County Council) - The Local Authority responsible for providing home to school transport in Lincolnshire.

Local Authority (LA) – an administrative body in local government which is officially responsible for the public services and facilities in a defined geographical area e.g. Lincolnshire County Council.

Low income family – A family whose total income allows them to qualify for free home to school transport under the criteria.

Mainstream school or college – A school or college which is suitable for pupils or students of all abilities.

Managed move – A managed move is a transfer of a school-age pupil from the roll of one school to that of another which is brokered by the County Council and arranged and agreed by both schools.

Max Respect – Max Respect is the County Council's branded initiative to address issues relating to good behaviour, anti-bullying and pupil and driver conduct. Full details are available at www.lincolnshire.gov.uk/maxrespect.

Medical condition or need – A permanent or temporary condition which requires medical assistance and which prevents that child or the parent making their own education transport arrangements.

Parent or carer – A person who is the mother or father of the child in question or who has parental responsibilities for the child or who has care of the child under a formal or legal arrangement. Parental Responsibilities is defined in the 1989 Children's Act.

Pick up point/drop off point – A designated or recognised place from which school transport begins/ends.

Primary stage (or age) – Education offered to children aged 5-11 years.

Qualifying pupil/student – A pupil or student who is entitled to home to school or college transport according to the criteria.

Recognised course – a course funded by the DFE or LA at post-16 level.

Religion or belief (in context of education transport entitlement) – The main indication of a religion is that it has a clear structure and belief system. Belief is defined as a religious or philosophical belief and equates to conviction. Based upon case law, it has to be more than an opinion or idea. A belief must be genuinely held and the burden is on the parent to show that it is the real reason for their action/preference.

Repeat years – A pupil or student who repeats a year of work they have already completed which is not appropriate to their actual age

Responsible Adult – A responsible adult is a person aged over 18 years who is able to accompany a child of school age to school or to a school transport pick up point. The adult must be capable of making appropriate decisions en route, particularly relating to road safety.

School of choice (or preference) – A school of choice or preference is used to describe a school to which a parent has elected to enrol a child. This may not be the nearest or designated school.

School year – A school year is 190 days of teaching and must begin after the end of July in any year and end before the end of July the following year.

Secondary stage (or age) – Education offered to children aged 11-16 years.

Shortest Available Route – A shortest available route is the shortest route a pupil or student may travel (by foot or assisted transport) to a school, college or pick up point, without trespass, in reasonable safety. An available route is one which is capable of being used.

SLDD – Students with learning difficulties and/or disabilities.

Special Education Needs and/or Disabilities (SENDs)
– A pupil or student who has learning difficulties (and/or disabilities) and needs special help.

Statement of SENDs – A document setting out the additional help a pupil will receive on account of their special educational needs.

Suitable route (to walk to school/college or to a pick-up point) – A route is defined as suitable for a child, accompanied if necessary by a responsible adult, if it meets the criteria laid down by the County Council, and may be used to get to and from school or college or a transport pick-up point.

Suitable school – A school maintained by the LA or an academy that is suitable to a child's age, ability, aptitude or any SEN they may have. All schools are obliged to offer teaching across the ability range.

Teaching and Learning Centres (TLCs) – Education Centres for school-age children in Lincolnshire providing an alternative provision to that of a school.

Temporary medical condition – A medical condition which is expected to end, but which prevents the child or the parent from making their own educational transport arrangements for a limited period.

Walking distance – Defined for the purposes of assessing home to school or college transport as two miles at the primary stage, and three miles at the secondary and further education stage. If a pupil or student lives within the walking distance to a school or college they could attend, they will not usually qualify for transport, unless the route is unsuitable. (See suitable route).

Raising of the participation age (RPA)

The government has increased the age to which all young people in England must continue in education or training, requiring them to continue until their 18th birthday.

Raising the participation age (RPA) does not mean young people must stay in school. They will be able to choose one of the following options post 16:

- Full-time education, such as school, college or home education
- An apprenticeship
- Part-time education or training if they are employed, self-employed or volunteering full-time (which is defined as 20 hours or more a week).

These changes do not affect any entitlement to transport support under the County Council's policy. All post 16 students will still be required to pay the contribution since the changes do not require full time study beyond the school leaving age.

Notes:

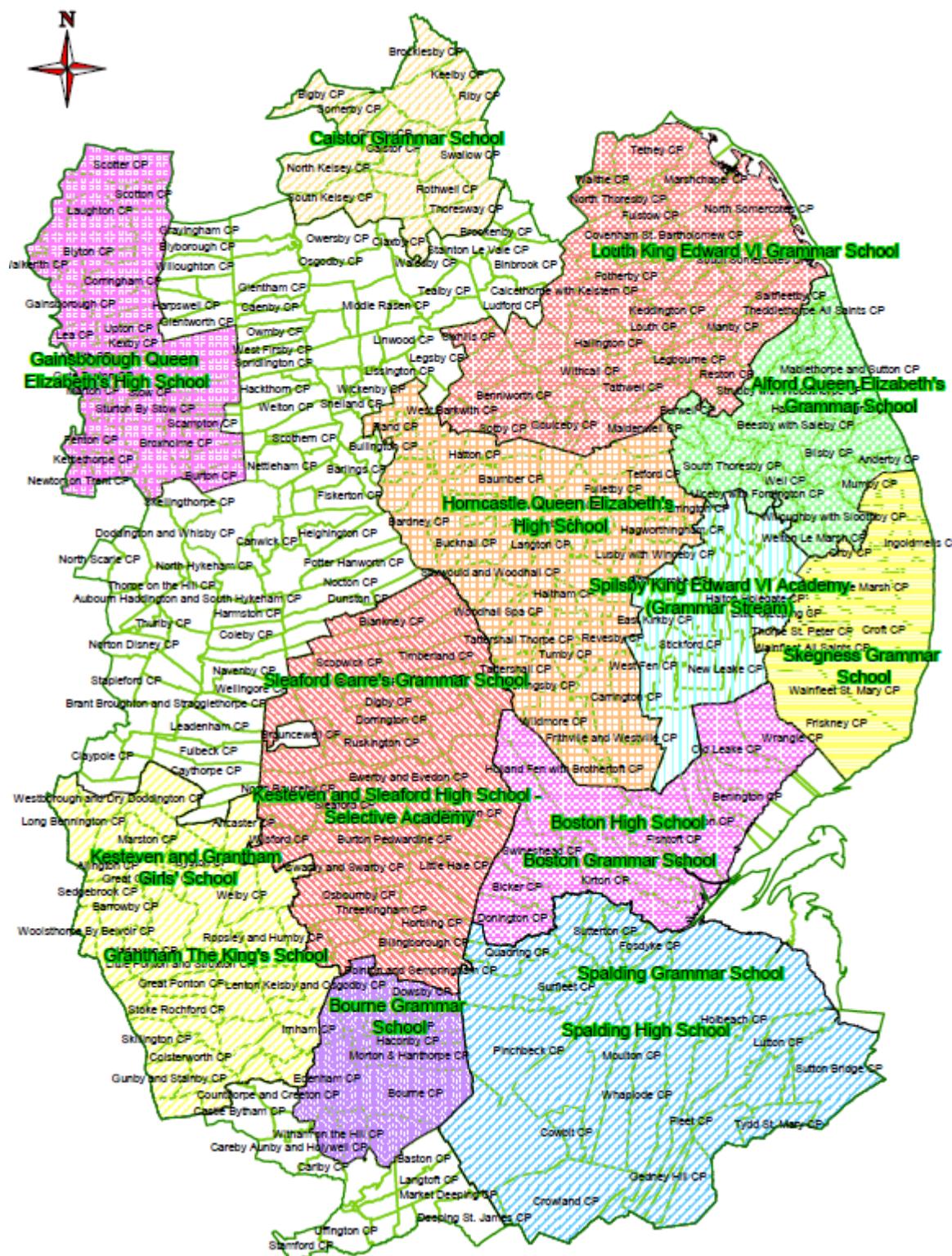


If you would like to request a copy of our Transport Policy Booklet in an alternative language or format please call 01522 782060

If you have any comments or suggestions please contact us.

Lincolnshire County Council
County Offices
Newland
Lincoln
LN1 1YL
Tel: 01522 552222
Fax: 01522 552288
Minicom: 01522 552055
Website: www.lincolnshire.gov.uk

Appendix C DTA maps showing grammar school DTAs (top) and all-ability school DTAs (bottom)





Agenda Item 9



Policy and Scrutiny

Open Report on behalf of David Coleman, Chief Legal Officer

Report to:	Children and Young People Scrutiny Committee
Date:	18 January 2019
Subject:	Children and Young People Scrutiny Committee Work Programme

Summary:

This item enables the Committee to consider and comment on the content of its work programme to ensure that its scrutiny activity is focused where it can be of greatest benefit. Members are encouraged to highlight items that could be included for consideration in the work programme.

Actions Required:

Members of the Committee are invited to:

- 1) Review and agree the Committee's work programme as set out in Appendix A to this report.
- 2) Highlight for discussion any additional scrutiny activity which could be included for consideration in the work programme.

1. Background

Purpose of Scrutiny Activity

Set out below are the definitions used to describe the types of scrutiny, relating to the items on the Committee Work Programme:

Policy Development - The Committee is involved in the development of policy, usually at an early stage, where a range of options are being considered.

Pre-Decision Scrutiny - The Committee is scrutinising a proposal, prior to a decision on the proposal by the Executive, the Executive Councillor or a senior officer.

Policy Review - The Committee is reviewing the implementation of policy, to consider the success, impact, outcomes and performance.

Performance Scrutiny - The Committee is scrutinising periodic performance, issue specific performance or external inspection reports.

Consultation - The Committee is responding to (or making arrangements to respond to a consultation, either formally or informally. This includes pre-consultation engagement.

Budget Scrutiny - The Committee is scrutinising the previous year's budget, or the current year's budget or proposals for the future year's budget.

Member Report – The Committee is reviewing the work of the Sub-Groups or Working Groups.

Requests for specific items for information should be dealt with by other means, for instance briefing papers to members.

The Committee's proposed work programme is attached at Appendix A. A list of all upcoming Forward Plan decisions relating to the Committee is also attached at Appendix B.

Members of the Committee are invited to review, consider and comment on the work programme as set out in Appendix A and highlight for discussion any additional scrutiny activity which could be included for consideration in the work programme.

2. Conclusion

The Committee is invited to consider the content of its forthcoming work programme.

3. Consultation

a) Have Risks and Impact Analysis been carried out?

Not Applicable

b) Risks and Impact Analysis

Not Applicable

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Children and Young People Scrutiny Committee – Work Programme
Appendix B	Forward Plan of Decisions relating to the Children and Young People Scrutiny Committee

5. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Tracy Johnson, Senior Scrutiny Officer, who can be contacted on 01522 552164 or by e-mail at tracy.johnson@lincolnshire.gov.uk

CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE

Chairman: Councillor Robert Foulkes
 Vice Chairman: Councillor Robert Kendrick

18 January 2019		
Item	Contributor	Purpose
Council Budget 2019/20	Heather Sandy, Interim Director of Education	Budget Scrutiny
Local Area SEND Inspection by Ofsted and CQC	Sheridan Dodsworth Children's Services Manager - SEND	Policy Review
Children Missing Out of Education Annual Report 2017/18	Martin Smith, Interim Assistant Director, Education Jill Chandar-Nair Inclusion and Attendance Manager	Policy Review
Grammar School Transport – 2018 Review	David Robinson, Commissioning Manager: Transport	Policy Review

8 March 2019		
Item	Contributor	Purpose
Fostering Allowance Review	John Harris, Children's Service Manager – Regulated (North and Fostering)	Pre-Decision Scrutiny
Lincolnshire Local Authority School Performance 2017-18	Martin Smith, Interim Assistant Director, Education	Performance Scrutiny
30 Hours 'Free' Childcare Provision Update	Michelle Andrews, Children's Service Manager – Early Years	Update Report
Theme Performance: Quarter 3	Sally Savage, Chief Commissioning Officer – Children's	Performance Scrutiny

26 April 2019		
Item	Contributor	Purpose
Post 16 Transport Support Policy Statement 2019/20	Teri Marshall Senior Commissioning Officer	Pre-Decision Scrutiny
0-19 Health Services Progress Report	Sally Savage, Chief Commissioning Officer – Children's	Policy Review
Restorative Practice - Lincolnshire Joint Diversionary Panels (JDP)	Andrew Cook Youth Offending Manager	Policy Review
Armed Forces Pupil Premium	Sue Williams, Children's Service Manager – Education Strategy	Update Report

7 June 2019		
Item	Contributor	Purpose
Theme Performance: Quarter 4	Sally Savage, Chief Commissioning Officer – Children's	Performance Scrutiny

19 July 2019		
Item	Contributor	Purpose

6 September 2019		
Item	Contributor	Purpose
Theme Performance: Quarter 1	Sally Savage, Chief Commissioning Officer – Children's	Performance Scrutiny

Items to be programmed

- Satellite provision for pupils with special educational need/ disability
- Supporting mainstream schools to enhance support for pupils with special education need/ disability
- LLP Peer Review Outcome
- SEND Transport

For more information about the work of this Committee please contact Tracy Johnson, Senior Scrutiny Officer, on 01522 552164 or by e-mail at tracy.johnson@lincolnshire.gov.uk

FORWARD PLAN OF DECISIONS RELATING TO CHILDREN'S SERVICES FROM 1 FEBRUARY 2019

DEC REF	MATTERS FOR DECISION	DATE OF DECISION	DECISION MAKER	PEOPLE/GROUPS CONSULTED PRIOR TO DECISION	DOCUMENTS TO BE SUBMITTED FOR DECISION	HOW TO COMMENT ON THE DECISION BEFORE IT IS MADE AND THE DATE BY WHICH COMMENTS MUST BE RECEIVED	RESPONSIBLE PORTFOLIO HOLDER AND CHIEF OFFICER	KEY DECISION YES/NO	DIVISIONS AFFECTED

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