

**North Yorkshire County Council**  
**Transport, Economy and Environment**  
**Overview and Scrutiny Committee**

Minutes of the Meeting held at County Hall, Northallerton on 10 April 2018 at 10.00 am.

**Present:-**

County Councillor Mike Jordan in the Chair.

County Councillors Margaret Atkinson, John Ennis (sub. for Richard Welch), Paul Haslam, Robert Heseltine, David Jeffels, Stanley Lumley, John McCartney, Andy Paraskos, Caroline Patmore, Clive Pearson and Roberta Swiers.

NYCC Officers attending: Gail Chester, SEND Transport Manager (CYPS), Alistair Gourley, Head of Adult Learning and Skills Service, Jane Le Sage, Assistant Director Inclusion (CYPS), Jamie Sims, Head of Workforce Development (Central Services) and Jonathan Spencer, Principal Scrutiny Officer (Central Services).

Apologies were received from County Councillors Don Mackay and Richard Welch

One member of the public was in attendance.

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**Copies of all documents considered are in the Minute Book**

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**25. Minutes**

**Resolved -**

That the Minutes of the meeting held on 23 January 2018 be confirmed and signed by the Chairman as a correct record.

**26. Declarations of Interest**

**Resolved -**

There were no declarations of interest to note.

**27. Public Questions or Statements**

There were no general public questions or statements from members of the public concerning issues not on the agenda.

**28. Home to School Transport - Proposed Policy Changes**

**Considered -**

The report of the Corporate Director - Children and Young People's Service providing details of the proposal for changes to the home to school transport policy together with feedback from the 90 day public consultation and subsequent recommendations for changes to the Policy.

The Chairman explained the order of business, the purpose of the item and the Committee's remit.

Jane Le Sage and Gail Chester introduced the report.

Jane Le Sage explained about the legislative changes which had resulted in an increase in the numbers qualifying for SEND Home to School Transport. This had in turn led to increased budgetary pressures. The budget was already overspent by £3m in 2017. If no action was taken the SEND transport service, which has a budget of £5m, would increase from £8m in 2017 to £30m by 2025.

Gail Chester outlined the three proposals set out in the report.

Jane Le Sage detailed the consultation process relating to the three proposals.

Gail Chester provided an overview of the consultation responses to the three proposals. Proposal two had been adopted to be County Council's policy a number of years ago but had not been enacted. The recommendation was for the County Council to proceed with the three proposals but for proposal two to not be delivered until September 2019 in order to make sure that all the required processes were in place.

The Chairman invited Members of the Committee to ask questions of clarification from the officers present at the meeting.

Members asked the following questions of clarification:

- A Member asked why in the proposals a 'do nothing' option had not been provided. Jane Le Sage said that in the initial period of work to prepare the proposals, there had been two other proposals put forward. The first one was to do nothing, which would have meant the budget escalating to £30m by 2025, and the other was to remove all discretionary transport resulting in providing transport that met the statutory requirements only. She said that the view of the Executive Members was that the size and rurality of North Yorkshire and the County Council's commitment to support education meant that to remove all discretionary transport was a step too far and would have significantly disadvantaged families and young people.
- A Member asked why there had been such a marked increase in the number of children qualifying for SEND Home to School Transport. Jane Le Sage explained that the legislative changes brought about by the Children's and Families Act 2014 had resulted in the qualifying increasing from 0 to 18 years to 0 to 25 years. The increased demand for Special School placements had been significant local and nationally and meant that children were travelling further distances than they would if they were accessing their local school. This had budget implications.
- A Member asked if it would be more economical to the County Council of having a single policy of increasing the Parental Transport Allowance. An increase in the allowance would result in an increased uptake. Gail Chester explained that it made sense for there to be shared transport provision put in place where several children were attending the same school. However where this was not the case and so only a single child was being transported to school, it was more cost effective to use pay a parental transport allowance. Jane Le Sage noted that the current allowance of 30p per mile did not cover all wear and tear on a vehicle and so the recommendation was to increase this to

45p per mile. She noted that if half of parents took up the enhanced mileage rate there would be a saving to the County Council.

- A Member asked how much the consultation had cost the County Council. Jane Le Sage noted that she did not have the figure to hand but the costs related to venue hire and officer time. The County Council was required to consult.
- A Member asked how many service users there were. Gail Chester replied that there were approximately 1,200 SEND Home to School Transport clients. Attendance at the public meetings had varied even though there had been publicity and the meetings had been promoted through the use of social media. The Member asked if it would not have been more cost-effective to have written out to clients to seek their views instead. Gail Chester noted that due to proposal three impacting upon all children eligible for Home to School transport this would have required writing out to 13,000 people.
- A Member asked if with regards to the legislative changes, the UK government had provided any additional funding to local authorities in recognition of the increased demand for SEND Home to School transport. Jane Le Sage replied that no additional funding had been provided in the block grant. The block grant had to cover a range of aspects including funding mainstream education, special schools and post-16 provision. Nationally budgets were under extreme pressure. There had been a slight increase for the current financial year of £260,000 in the block grant of £40 million.

The Chairman invited Kerry Fox, the member of the public who had registered to speak to come forward to make her contribution.

#### *Public questions and statements*

**Kerry Fox** read out the statement below:

“Does the committee consider the consultation has ended given that the consultation has not paid regard to the law in respect of Section 27 of the Children and Families Act 2014, Section 19 of the Children and Families Act 2014 and The Public Sector and Equality Duty section 149; in that young people, who this affects the most, were not consulted despite what North Yorkshire County Council have reported in their report? There are no responses from young people in the report and families are reporting that they had not come across the consultation at moving on events which were minimal during the consultation period and there is no mention of how many young people with EHCP’s aged 16 -18 and 19-25 were at the youth conference There was not the right amount of information for consultees to make an intelligent an informed decision. No member of HAS were at any consultations to inform parents of what proposal two was about and what that meant for their Young Person, as were no representatives to speak on how the bursary works and who is entitled to it . The consultation had been interpreted by many as a choice of options and parents were unaware for some time during the consultations that all 3 were been proposed)

References:

<http://www.legislation.gov.uk/ukpga/2014/6/section/27/enacted>

<http://www.legislation.gov.uk/ukpga/2014/6/section/19/enacted>

<https://www.legislation.gov.uk/ukpga/2010/15/section/149>

The consultation as published online via NYCC website was unclear to those reading it as to what was being proposed. It alluded to “options” and 3 proposals, giving the

impression that there was an either- either approach that 1 would be decided upon, it was not until the face to face consultations that it became apparent all 3 would be presented to executive there was no choice. Few parent carers made the face to face consultations therefore those responding online are still more than likely to be under a false impression. 21/02/2018 it was reported to the parents in attendance at the Harrogate face to face consultation that the wording would be changed 1 month after the consultation went live, therefore were the online responses, which at this date were reported to be approximately 108, null and void if the respondents were not aware of what the proposals meant?"

The Chairman invited Members on the Transport, Economy and Environment Overview and Scrutiny Committee to ask questions of clarification from the speaker.

Members made the following comments:

- A Member asked Kerry Fox if she considered there to be a solution in light of the demands on the County Council's budget. The Member noted that the County Council had to consider what it could afford to fund but at the same time could not assume that all parents could afford to make a contribution. Kerry Fox said that she acknowledged that the County Council was in a difficult position but she wished to underline the fact that when it was carrying out a consultation it needed to make sure that all legal issues had been addressed. If mistakes were made in this regard it could cost the County Council more if a judicial review occurred. She noted that there was a national campaign to end the loophole whereby policy relating to free Home to School transport for SEND Post-16 students was discretionary. She said that with regards to the solution it was for the County Council to campaign to government about the situation.
- A Member asked Kerry Fox if she felt that proposal three, relating to promoting parental transport allowance to SEND sole-occupancy provision with a realistic enhancement to reflect the young person transport need, would be acceptable to the majority of parents. Kerry Fox said that in her view this was a very good proposal for those that wanted to take up this option but there was a need to consider those young people who required medical escorts with them.
- A Member asked if Kerry Fox and other respondents to the consultation had interpreted the proposals as options. Kerry Fox replied that this was the case. Parents had interpreted them as 'either/or' not as a package of proposals to be adopted as one. Some of the documentation relating to the consultation had used the word 'options'.

The Chairman asked the County Council Officers to respond to the technical issues raised by the speaker/s.

Jane Le Sage said that with regards to the terminology used regarding proposals, officers took legal advice regarding clarifying the wording in the consultation document and the advice was not to do so. Clarification was provided in the frequently asked questions document instead. Gail Chester commented that in none of the questions asked was there an 'either/or'. She noted that the speaker had commented on the wording at an event in Harrogate where the query had been raised about the use of the terminology. This was why clarification had been made in the frequently asked questions accompanying the consultation document in order to make it clear that they were proposals and not options.

Jane Le Sage explained that with regards to the point raised about how the service had consulted with young people, proposal two was already in the current policy and so

there was no statutory requirement to consult on that proposal. The consultation events that had been held had been open to a range of people and not just adults. Officers had consulted with the Flying High Group and at the Youth Voice conference. The feedback would be included in the report to be considered by the Executive on 24 April 2018.

Jane Le Sage said that with regards to the legislation, Section 27 of the Children's and Families Act 2014 provided a duty on the local authority to keep education provision and access to education under review. Section 19 of the Children's and Families Act 2014 also placed a duty on the local authority to support and involve children and young people if they would be impacted by a decision. Proposals one and three might not have any impact on transport SEND if a parent decided to pay. The Local Authority would still be responsible for arranging suitable and safe transport provision. Proposal 3 was voluntary. She went on to refer to the Public Sector Equality Duty and said that this had been taken seriously when producing the proposals by discounting two options that would have had a significant impact and probably would have discriminated against low income families and SEND. She said that she wished to reiterate that the proposed parental contribution of £490 per year was a flat rate charge regardless of distance travelled.

The Chairman asked the Committee to consider the evidence it has heard and debate the issues before deciding to confirm recommendations.

Members made the following comments:

- A Member said that bearing in mind the size of the budget involved, the three proposals would not release significant savings. He said that he was not confident that the Home to School transport service fully understood the increase in the budget for SEND Home to School Transport and as a consequence the service was only treating the symptoms rather than the cause. Jane Le Sage said that the service had a clear understanding of why there had been an increase and that was due to the extension of the age range brought about by the legislation. Children had to travel further distances and so this was impacting upon the budget. The Member said that he needed to see the facts and figures on this and said that he would have appreciated if the information had been displayed in a graph/chart format. Jane Le Sage said that the report submitted to the Committee had contained a limited number of papers in order to keep it relatively concise but there was other documentation available including the details of the costing model, which had been submitted previously to the Executive.
- A Member commented that the proposed savings to be brought about by the proposals seemed to be 'small beer' in relation to the projected £30m forecasted spend by 2025 for SEND Home to School Transport.
- A Member noted the budget pressures on the County Council brought about by the extension of the age range up to 25 years. He said that he believed in equalities and the County Council must protect the vulnerable. However if a family could afford to pay for their child's home to school travel they should do so. He said that the proposal of increasing the parental transport allowance was a very good idea. He said that this would save the County Council money as well, noting that otherwise there was a reliance on expensive taxi provision. He suggested that perhaps the suggested increase in the mileage rate to 45p could be increased further to encourage more parents to drive their child to school. Another Member noted that if the mileage rate was increased to above 45p per mile the claimant would incur tax on any amount above 45p per mile.

- A Member said that if the Committee did recommend that the Executive approved the proposals, he would want to see an update report being presented in 12 months' time to flag up any pitfalls.
- A Member said that he found difficulty in supporting any reductions in SEND services. He had joined local government to build up not cut back services and so the proposals went against the grain for him. He acknowledged that a way forward had to be found in light of budget pressures. The County Council had an overall budget and set its priorities accordingly. Adult and Health Services especially was seen as a priority and was continually taking more of the budget. He said that he would like to see the Children and Young People's Service Directorate have another close look at its budget so that it could minimise the impact on SEND provision. He also suggested that the Executive took a further look at the priorities across the County Council to see if more funding could be made available for families in need of assistance. Parents of children with SEND desperately needed to be provided with as much help and assistance as possible in order to support their children.
- A Member said that the savings to be made from the proposals were inconsequential and he did not understand why the County Council was being asked to make the poorest and those in greatest need to suffer. He said he would like to understand the cause for the increased demand on the budget. All that had been shown was how the County Council intended to treat the symptom but not the cause. He commented that as the role of the committee was to scrutinise the proposals he would have liked to have seen more detail provided in the officer report. He said that the County Council should look at making savings elsewhere such as highways maintenance, after all what was another pothole in comparison. Gail Chester replied that the County Council had no control over a large element of home to school transport provision and so savings could only be made in relation to the discretionary elements. She said that whilst the proposals might seem insignificant in terms of the their level of savings the number of SEND Home to School Transport places required had been and continued to grow significantly. The Member said that he would have liked to have seen a different solution and that the County Council should be more innovative in this regard.
- A Member said that what had not been addressed was that the continuing use of the council's reserves to offset the escalating SEND school transport costs was unsustainable. This was because the reserves were finite. There was a need to support those who could not afford to pay for the transport provision but the County Council could not afford to pay for those who could. She said that she would like to hear that the County Council was putting far more into lobbying government to make them understand the difficulty in running these kind of services in a sparsely populated county like ours. These are fundamental needs and are where the money should go first. The government was instead putting extra resources into towns and cities instead.

#### **Resolved -**

**That in light of the current financial position of North Yorkshire County Council, the Transport, Economy and Environment Overview and Scrutiny Committee recommends that the Executive supports the three SEND Home to School Transport proposals set out in the report, on the understanding that:**

- a) The Executive is assured that the proposals will protect low income families;**

- b) **The Executive gives serious consideration to increasing the mileage rate significantly above the proposed 45p per mile for the parental transport allowance for SEND sole-occupancy provision, in order to make it a more attractive option to parents and to provide further savings to North Yorkshire County Council;**
- c) **The Children and Young People’s Service Directorate be requested to re-examine its overall budget before removing the free transport statement for SEND post 16 to 18 students with an EHCP, to establish if alternative savings could be made that would have a less direct impact on frontline services.**
- d) **That an update report be brought to the Transport, Economy and Environment Overview and Scrutiny Committee in April 2019 highlighting any issues arising from the implementation of the proposals, in particular the removal of the free transport statement for SEND post 16 to 18 students with an EHCP.**

**29. Update report from Adult Learning and Skills Service and Post Implementation Action Plan**

Considered -

The report of the Corporate Director - Children and young People’s Service updating on the Adult Learning and Skills Service, including an update on the Ofsted Post Inspection Action Plan and progress against the targets set in the plan.

Alistair Gourlay introduced the report.

Members made the following key comments:

- A Member noted that improving teaching and learning was a difficult challenge. He asked if systems were in place to allow mentoring of weaker teaching staff. Alistair Gourlay confirmed that mentoring was in place through teaching and learning observations. Where there was a particularly strong teacher they were invited to support other teachers with their planning. Curriculum Managers were also now in place. Their role included amongst other aspects carrying out classroom observations and having regular one-to-one meetings with teachers. He explained that existing processes for initial assessment and diagnostic assessment of learners had been shown to be weak. Consequently the service was implementing a more thorough process of induction for learners with the aim of ensuring that they were on the right course and received the right level of support.
- A Member advised that in an adult learning scenario the learners should be treated as adults and suggested putting in place student forums so that learners felt more involved in shaping their learning experience. He noted that retention rates were likely to improve if learners were asked about what they enjoyed or did not enjoy about the class, what made them join the course and what if any improvements they would like to see made. He queried whether group based project work was being put in place as he felt that this would motivate learners more. Alistair Gourlay noted that traditionally the Adult Learning and Skills Service had carried out surveys to capture learner experiences but had not been as effective at following up with learners the reasons why they were pulling out of a course. Now the service followed up every learner absence from the class in recognition that if learner absence could be caught early learners could be more easily engaged to continue. He agreed that the

approach should be to treat the learners as adults and was supportive of the idea of having a student forum. He said that in the best classes, collaborative learning between the learners and the teacher was already happening, including putting in place group-based assignments to foster teamwork. A project based approach was being used to teach English and Maths. However there were improvements to be made in this regard as highlighted in the Ofsted report which had been critical of the more traditional 'chalk and talk' style of teaching.

- A Member noted that the Committee at its meeting on 31 October 2017 had recommended to the Executive Member Portfolio Holder for Education & Skills for a Member from the Transport, Economy and Environment Overview and Scrutiny Committee to be appointed to the ALSS governance group. Alistair Gourlay said that there had been a delay in getting this included on the meeting agenda of the ALSS governance group due to the Executive Member not being able to attend the meeting.

#### **Resolved -**

- (a) That the report be noted.
- (b) That the comments and further suggestions made by the Committee for service improvement be explored by the Adult Learning & Skills Service, including the creation of student forums and introduction of more group-based learner activities to improve the learner experience.
- (c) That the Executive Member Portfolio Holder for Education & Skills be recommended to appoint a Member from the Transport, Economy and Environment Overview and Scrutiny Committee to the ALSS governance group at the next earliest opportunity.
- (d) That a progress report be provided to the Committee at its meeting scheduled to be held on 25 October 2018.

### **30. Apprenticeships**

#### **Considered -**

The report of the Assistant Chief Executive (Business Support) updating on the County Council's activities on apprenticeships and other employment support initiatives, in the context of the Government's national reforms to apprenticeships and in order to inform the Transport, Economy and Environment Overview and Scrutiny Committee's "Economic" theme, thereby updating the previous paper of 1 February 2017.

Jamie Sims introduced the report.

Members made the following key comments:

- Referring to the public sector apprenticeship target, a Member said that in his view for the County Council, the target should be seen as the minimum rather than the maximum number of apprenticeships to recruit. The County Council should exploit the funding on offer as best as it could. Jamie Sims replied that the target was aspirational. There were significant barriers to overcome in achieving the target and draw down of the full apprenticeship levy such as the rules requiring apprenticeships to be employees. Also just as importantly the



strength of the North Yorkshire economy and the Council's predominantly part time workforce made the target and therefore full levy recovery unachievable.

- A Member asked if each directorate had been assigned an apprenticeship target. Jamie Sims replied that this had been decided against because the directorates needed the flexibility to respond to their own needs. The workforce planning team engaged regularly with all directorates on their workforce planning needs, including apprentices, graduates and other requirements. All directorates had produced detailed new talent requirements, including apprenticeships as part of their forecasting and succession planning approach. Directorates knew their own service priorities best and needed the flexibility to consider the most appropriate solution to their workforce needs, and this would not always be an apprentice. Targets would also need to be monitored and changed regularly as new national standards became available and service demand changed. Directorate targets would also give limited leverage on meeting the Council's public sector target and spending the levy because the majority of this sat with schools.
- A Member queried if the County Council could transfer existing low paid staff to apprenticeships. Jamie Sims replied that this was possible in some instances for example where new skills were required, but directorates needed to be able to meet the apprenticeship regulations including making sure they had adequate resources in place to give each apprentice the right experience and support. The County Council's current approach was to use apprenticeships to succession plan against workforce 'hotspot' areas. This included a strong commitment from the Health and Adult Services Directorate that all their care and support recruits at levels 2 and 3 would be apprentices. There was also demand in other areas for which the national apprenticeship standards were not yet available.

**Resolved -**

- (a) That the report be noted.
- (b) That the Executive Portfolio Holder for Finance and Assets, and Special Projects, including financial and HR performance management be asked to consider all North Yorkshire County Council directorates setting apprenticeship targets based upon the nature of their work.

**31. Work Programme**

Considered -

The report of the Principal Scrutiny Officer asking the Committee to confirm, amend, or add to the areas of work listed in the work programme schedule (Appendix 1 to the report).

Jonathan Spencer introduced the report.

**Resolved -**

That the following items be added to the work programme: Update report from the Adult Learning & Skills Service; Traffic management in the county: tackling traffic congestion.

The meeting concluded at 12.37 pm

JS