

WIRRAL COUNCIL

CABINET

11TH JULY 2013

SUBJECT:	HOME TO SCHOOL AND COLLEGE TRANSPORT POLICIES CONSULTATION
WARD/S AFFECTED:	ALL
REPORT OF:	DIRECTOR OF CHILDREN'S SERVICES
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR TONY SMITH
KEY DECISION?	YES

1.0 EXECUTIVE SUMMARY

- 1.1 Wirral Council is under significant financial pressure and a review of services has been carried out. At Cabinet on 18th February 2013 the decision was taken to review the provision of transport for children and adults provided by the Council. This report is in respect of transport to schools and colleges for children and young people only, transport and budget savings for Adults are being dealt with separately.
- 1.2 Wirral Council has a statutory duty in accordance with section 508B of the Education Act 1996 to provide school transport to assist compulsory school age pupils within certain criteria. The Council currently also provides discretionary transport provision above its statutory duty. The application of new transport policies for students aged 5-16 and post 16 would reduce the level of discretionary transport available whilst maintaining a focus on providing transport to some of the most vulnerable students in order for them to access education. The proposed new policies are included in Appendix 1 and 2.
- 1.3 It is important to note that children and young people who currently receive transport support will continue to do so until they leave or change school, at which point the new policies will be applied. For some young people this will occur when they transfer from their primary school to their secondary school. The proposed changes will therefore be phased over a period of up to 6 school years.
- 1.4 In respect of pupils with special educational needs and / or a disability (SEND) the proposed new home to school transport policies will provide a framework within which proactive work will be undertaken by the Local Authority with head teachers of special schools / colleges and parents of pupils to seek their views about how to jointly shape the service to promote greater independent travel for young people.
- 1.5 The proposals for post 16 SEND transport have been adapted after careful analysis of the consultation responses.
- 1.6 The 2013/14 Budget for Home to School Transport is £5.1 million. The savings target to be delivered in this area is £2 million over the period 2014/20. The proposed actions set out in this report will deliver £1,440,000 savings which will contribute to the target of £2,000,000. The remainder of the savings will be delivered through a range of demand management initiatives, including travel training.

2.0 BACKGROUND AND KEY ISSUES

2.1 Wirral Council has a statutory duty to provide by law, travel assistance for those pupils who are eligible. If a pupil qualifies under the following circumstances then transport is provided free. This includes pupils who:

- Are between 5 and 16 and go to their nearest suitable school and live at least:
 - 2 miles from the school if they're under 8
 - 3 miles from the school if they're 8 or older
- Are registered at their local school and are unable to walk to school due to a route which the Council has assessed as hazardous.
- Are from a low income family (entitled to free school meals or maximum Working Tax Credit) if they are:
 - aged 8 to 11 and the school is at least 2 miles away
 - aged 11 to 16 and the school is 2 to 6 miles away - as long as there are not 3 or more suitable schools nearer to home
 - aged 11 to 16 and the school's 2 to 15 miles away - if it's their nearest school preferred on the grounds of religion or belief
- Are registered at their local school or the most appropriate school to meet their special educational needs and those needs prevent them from achieving independent travel or walking the statutory distance safely accompanied by an adult.

2.2 The proposed changes to the transport policies are related to three main discretionary areas:

- Removal of non statutory denominational transport
- A change in the assessment of support for free transport for children with special educational needs and / or a disability
- A change in the provision of post 16 transport for SEND students and students from low income families.

2.3 **The removal of free denominational transport to school.**

Currently Wirral Council provides free transport provision through travel passes to both primary and secondary school children related to the religious character of the school. The cost of transport arrangements of children who have to travel more than the qualifying distances to the nearest school of the parent's religion is currently met.

The proposal is to remove this discretionary element of denominational travel. This removes the extra discretionary provision currently in place for students attending Catholic schools and puts students attending all schools on a level playing field regarding eligibility for free transport.

Those pupils who currently receive free denominational transport at their school will continue to do so whilst they attend their current school. This will also apply to Our Lady of Pity Catholic Primary School and will replace the current interim arrangements.

The Council will provide transport in relation to statutory duties including beyond statutory walking distances and those on low incomes. In addition for secondary school pupils children from low income families who choose a school on the grounds of religion

or belief will continue to receive free transport provision if the school is between 2 and 15 miles away from their home address.

This change is estimated to affect an average of 132 year 7 pupils at 4 secondary / academy schools and 16 reception pupils at 1 primary school. This number will increase each year until covering all year groups. In some cases there may be continuing entitlement if the statutory low income thresholds are met.

The Budget for denominational transport is £180,000 per year, cessation of this discretionary support will save £180,000 per year when fully implemented.

Comparison with other Councils:

Although some Councils retain provision for denominational transport a wide range of Councils have consulted and removed free or subsidised provision.

In 2012 and 2013 Councils that have made the decision to remove free or subsidised denominational transport provision include:

Cheshire West and Cheshire

Cheshire East

Hull

Leicester City Council

Bath City Council

2.4 A change in the assessment of support for free transport for children with Special Educational Needs and / or a Disability (SEND).

The Council currently transports children with a statement and attending a special school or an Education Inclusion Base (EIB) where transport is requested. A proportion of this transport can be classed as discretionary as some students do not live a prohibitive distance from school and could be assessed as safe to walk to school.

Routes transporting students are optimised based on the geographical location of the students and educational establishments and individual student requirements e.g. wheelchairs and specialised equipment space, medical conditions and specialised support. In addition vehicles transporting SEND students may carry both 5-16 and Post 16 students.

Since July 2011 there has been a continuous review of transport routes to make sure that they are the most efficient, this has resulted in savings totalling £180,000 over two years and provides greater value for money from existing contracts

Due to the complexities of this type of transport per trip costs can vary significantly, for example the current most expensive journey per child on specialist contracted transport is £412 and the least expensive £10.40. As a result analysis of reductions in transport is complex and proposed savings are based on estimates.

Using an assessment process to determine transport requirements, it is likely that the number of pupils/students travelling on escorted contracted vehicles would decrease. It is anticipated that bus passes would be appropriate for a larger group of pupils/students given the independent travel support that would be provided. This will therefore reduce costs.

The proposal is to provide transport based on an assessed need rather than provision to all statemented students attending specialist provision. A new assessment process through the Special Educational Needs Assessment Panel (SNAP) will be put in place to identify the transport support that best matches the student's needs. Consideration will be given to the views of professionals working with the student including medical and educational staff as well as the view of the student on their transport arrangements. Where a young person is able to access and use the public transport network safely they will be expected to do so. This will mean that some statemented pupils will not receive free transport, for others a free bus pass may be provided instead of specialised taxi based transport.

It should be noted that through the pathfinder programme relating to the forthcoming changes to SEND through the provisions made in the Children and Families Bill, principles of good practice are emerging. In particular some of these relate to the coordinated assessment and the development of an Education, Health and Care (EHC) Plan.

Children, families and young people will be at the centre of the assessment and planning process and will be partners in making decisions throughout, making it a co-produced process. The child/young person/family will be able to choose how, when and to what extent they would like to engage in the process to meet desired outcomes.

Effective co-ordination will take place between education, health and care services, working together both to reach agreement on key outcomes with children, parents and young people and to secure the appropriate provision to deliver those outcomes.

It is through such processes that the assessment of travel needs will take place

The budget for Pre 16 SEND transport is £4,010,000 per year. It is estimated that the changes described would reduce costs by £1,030,000 per year when fully implemented

Comparison with other Councils:

Cheshire West and Chester

Entitlement to transport on complex/special needs grounds is based on an individual assessment of need.

Liverpool

Assessment of students with SEND and transport provided based on assessed need to those students attending a suitable qualifying school.

Sefton

Eligibility for free transport is assessed on student need and based on students attending a suitable qualifying school.

2.5 Post 16 transport

Currently Wirral Council provides free post 16 transport to students in further education based on low income criteria and also to those who have or had immediately prior to admission to school / college a statement of SEN. This transport provision is discretionary as the Council has no legal duty to provide post 16 transport.

2.6 Post 16 transport (SEND)

Option 1 Cease Provision of all Post 16 transport

This proposal, as set out in the budget option, is to cease to provide additional transport support for all post 16 students, where this is provided because of low income criteria or SEND.

The estimated saving from this option is £690,000

Option 2 Provision of SEND post 16 transport based on assessed need

This option, taking account of the consultation findings in response to the proposal to remove free transport related to Post 16 Special Educational Needs and/or Disability (SEND), is to assess children for Post 16 transport based on their needs; this is reflected in the attached policy. This is a similar approach to students with SEND aged under 16 years, and is a consistent approach to providing support to the most vulnerable students.

This option would reduce the proposed savings published in the original budget option of £690,000 by approximately £560,000 to £130,000.

The budget for SEND post-16 students is £690,000. The estimated savings proposal can be summarised as

	£
Original saving proposal to withdraw all provision	690,000
Reduced by the introduction of assessed entitlement	- 560,000
Saving, when fully implemented	<u>130,000</u>

2.7 Post 16 Transport (Non SEND)

There are currently 354 students in families with low income who are in receipt of bus passes. This is not a statutory requirement, and it is proposed that in future the Local Authority will not provide travel passes for students attending post 16 provision. The annual cost is estimated to be £100,000.

It is estimated that by withdrawing this discretionary provision there would be a saving of £100,000 per year, when fully implemented. Some students affected by this change will be eligible to apply through their college / school for an award through the Bursary Fund.

Comparison with Other Councils:

Cheshire West and Chester

In September 2012 withdrew subsidised (not free) Post 16 transport provision; a two year transition was put in place with an increase in charges for each year. The subsidy will be withdrawn in 2014.

For Post 16 SEN pupils an assessment of need is carried out based on an application and evidence provided. Transport made be provided to the nearest appropriate college offering the course or similar. Transport may be provided at least up to the age of 21 and for a maximum of three years.

Liverpool

No provision of travel passes for Post 16 students.

Assessment of Post 16 SEND students and transport provided based on assessed need.

Sefton

No provision of travel passes for Post 16 students.

Post 16 students with a SEN statement who remain in school based provision will continue to receive transport if considered to be appropriate. Post 16 students up to the age of 21 who were previously in receipt of a statement of SEN and transfer to a full time course of further education in a college will have their transport requirements assessed and if transport agreed appropriate provision made.

2.8 Continuing entitlement for current pupils and students

The proposal is to phase the introduction of the changes in policies and introduce the changes in the Academic Year 2014-15. This would mean that the new policies would apply to pupils and students commencing in September 2014 onwards at primary and secondary schools and colleges. Students who have been assessed as eligible for free transport under the existing policies would retain their current provision. Changes would therefore be phased over a period of up to 6 school years.

2.9 Learning how to make these changes positively from other local authorities

Many Local Authorities have been reviewing how to make their transport provision more efficient, by working in different ways with parents of children with special educational needs or disabilities, to engage them in shaping services which promote greater independence and choice for pupils and their parents. Calderdale Metropolitan Borough Council for example, embarked on a new approach to managing demand. They considered their home to school transport services and found that they had created a dependency on specialist buses among people who may be able to travel in other ways. By putting in place travel training and intensive support with vulnerable children and families, they were able to enhance their confidence and independence. In Calderdale they identified that behaviour change was more likely to be influenced by doctors and teachers and they found engaging these professionals proved invaluable. They found that they could make significant savings as a result, but that children and families reported that rather than taking something away from them, these changes were a positive experience.

Similarly, in Coventry, the Council provided independent travel training for appropriate secondary aged special school aged pupils and they also offered personal transport budgets to parents of pupils in special schools. This work was successful in terms of supporting young people to become independent and gave them valuable skills for life and gave greater choice and control to parents, as well as securing a reduction in spend for the Council. Feedback from focus groups helped to reshape the service, as parents reflected a desire to see a more responsive and empathetic service which understood the needs of families within this area. Participants put significant emphasis on the independence and increased confidence of their child.

In Wirral we will work with head teachers, parents and children, through focus groups to further seek people's views about how we might identify new ways of working, within the revised policy framework.

3.0 RELEVANT RISKS

3.1 A change in the provision of transport may have a number of potential implications. There may be an impact on school attendance and students educational life chances, which would impact on school resources and OFSTED inspection findings. There may also be additional impact on Council services such as Education Social Welfare, Special Educational Needs, Social Work, Youth Outreach and Youth Offending Teams. There could be an impact on student's choice of further education establishments and on parental employment opportunities. The Council needs to anticipate these potential consequences by putting in place a strategy to engage with head teachers, parents and students about how school attendance can be maintained. Within this strategy, schools, parents and the Council need to work closely together to monitor pupils' attendance and punctuality and to address any issues arising. The Council will work proactively with all stakeholders throughout the 2013/14 academic year to develop approaches to mitigate the risks.

4.0 OTHER OPTIONS CONSIDERED

4.1 The Council could continue with current transport policies, which would mean the projected savings will have to be found from alternative areas.

5.0 CONSULTATION

5.1 This budget option was originally published and consulted on as part of the 'What Really Matters' consultation that ran from November 2012 until January 2013. Three core principles were consulted on relating to Transport for Schools and Colleges:

- The removal of discretionary denominational transport.
- The removal of Post 16 transport (non SEN).
- A reduction in the number of students with Special Educational Needs (SEN) eligible for transport. This includes the removal of all Post 16 transport for students with SEN.

5.2 The results of this consultation were reported to and considered by Cabinet on February 7th 2013. At Budget Cabinet on February 18th 2013, Cabinet included this option in the budget resolution recommendation, with the caveat that further consultation was completed with people using the services around the details of the new transport policies. This recommendation was agreed by Full Council on March 5th 2013.

5.3 The further 28 day (term time) consultation on the new draft polices, took place between 15th April and 24th May 2013. The Director of Children's Services published a report

which outlined the details of the proposed new Transport Policies. This paper explained, in candid terms and Plain English, the reasons for the proposals, their potential impact and the proposed mitigation. The consultation paper is Appendix 3.

This paper was also supported by a simple questionnaire which allowed interested people to feed their views into the decision making process. Both of these documents were distributed in paper and electronic format to all interested parties during the consultation process.

The Council also sought views of organised groups, young people and forums related to the budget option. The following groups were directly contacted:

- Parents/ carers of children and young people who receive transport support
- Young people (via the Teen Wirral website)
- Schools' Forum
- Headteachers and chairs of governors of special schools and mainstream schools
- All Wirral Elected members
- The Catholic Diocese of Shrewsbury and the Anglican Diocese of Chester
- Other local authorities bordering Wirral
- Unions and professional associations
- Wirral further education providers
- The Voluntary / Community Sector
- The wider community (via the Internet)

5.4 This activity has resulted in over 600 people completing the consultation questionnaire. Individual named responses were received from organisations including Wirral Association for Special School Headteachers, The Diocese of Shrewsbury, the Chairs of Governors of Sacred Heart Catholic Primary School, St Marys Catholic College, St John Plessington Catholic College, Upton Hall School, St Anselms College and Foxfield School. Representation was also made from Our Lady of Pity Catholic Primary School, Birkenhead Sixth Form, Wirral Hospital School and Councillor John Hale.

5.5 The detailed analysis of the questionnaire responses are provided to Cabinet at Appendix 3 of this report.

5.6 A summary of the two consultations can be seen below.

5.7 In terms of the 'What Really Matters' consultation process, the response to the questionnaire demonstrated broad approval from Wirral residents, staff and other stakeholders as to the implementation of the Transport Policies option. The table below shows the response to the public consultation:

Answer Options	Response %	Response Count
I support this under the circumstances	35.2%	1691
I accept this if it is absolutely necessary	33.1%	1591
I find this completely unacceptable	31.7%	1520

5.8 The latest consultation on the Budget Option - Schools and College Transport Policies attracted responses from the following groups:

Involvement	Response %	Response Count
Students currently receiving transport support	6.1	34
Parents / carers of pupils currently receiving transport support	41.0	229
Parents / carers of pupils NOT currently receiving transport support	12.9	72
Employees or governors of a special school	7.5	42
Employees or governors of a mainstream school	8.6	48
Employees or governors of a further education establishment	3.8	21
Other	20.2	113

5.9 The response to the key questions in this consultation:

Question	I agree		I neither agree nor disagree		I disagree	
	Count	%	Count	%	Count	%
I support the removal of free denominational transport.	63	10.6%	36	6.1%	493	83.3%
I support the change in assessment for eligibility for access to free transport for children with special educational needs.	46	7.8%	47	8.0%	498	84.3%
I support the removal of free post 16 transport provision.	31	5.2%	41	6.9%	520	87.8%

This consultation feedback clearly shows that parents, carers, pupils and other interested parties would not support reductions in support available for school and college transport.

5.10 The difference between the responses to the two consultations is likely to be attributable to the fact that responses to the latest detailed consultation has attracted responses largely from the groups directly affected by these policies. The demographic of the respondents to the transport option in the original 'What Really Matters' consultation is unknown; but it could be conjectured that this consultation drew responses from the wider community.

5.11 The new policies seek to ensure that young people are encouraged, where appropriate, to progress to independent travelling in a phased supported way. This can increase the young person's confidence, participation in community life and help prepare the young person for life beyond school and college.

Further, the proposed new policies both keep Wirral above the statutory requirement for the level of transport support which is provided and also bring the authority in line with comparable Councils. The policies will also be implemented in a phased method over the next six years.

The policies will also seek to continue to protect the most vulnerable, and therefore target the Council's diminishing resources more effectively at those most in need.

The proposed amendment to the initial proposals to continue to assess SEND need Post 16 pays due regard to the consultation findings. Regarding the two proposals

related to denominational and school SEN transport, while paying due regard to the fact that consultees would prefer the existing transport policies to remain unchanged it is felt appropriate to recommend to Cabinet that the new policies be implemented from September 2014.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

6.1 There is potential that some families may require support or assistance from these groups.

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

7.1 In 2013-14 there is a budget of £5.1 million to meet the costs of contracted escorted transport and bus passes. The estimated cost breakdown and comparison with the original and proposed savings is as follows:-

Area	Budget	Original Savings	Proposed Savings
	£	£	£
Statutory travel passes (income / distance)	120,000	0	0
Denominational transport	180,000	180,000	180,000
SEN transport – up to 16	4,010,000	1,030,000	1,030,000
SEND transport – post 16	690,000	690,000	130,000
Post 16 (non SEND)	100,000	100,000	100,000
Total Budget	5,100,000	2,000,000	1,440,000

The number of children and Young people in receipt of transport in 2012-13 were:

Type	Number
Statutory travel passes (income / distance)	554
Denominational transport	776
SEN transport – up to 16	1,036
SEND transport – post 16	170
Post 16 transport (Income non SEND)	354
Total	2,890

The savings below are broken down over academic years and increase each year as another year group enters the school.

Savings by Academic Year (September to August)

Academic Year	Denominational	SEND 5-16	SEND Post 16 (Option 2)	Post 16 (Non SEND)	Total
2014/15	£35,000	£180,000	£52,000	£40,000	£307,000
2015/16	£35,000	£180,000	£52,000	£40,000	£307,000
2016/17	£35,000	£180,000	£26,000	£20,000	£261,000
2017/18	£35,000	£180,000			£215,000
2018/19	£35,000	£180,000			£215,000
2019/20	£5,000	£130,000			£135,000
	£180,000	£1,030,000	£130,000	£100,000	£1,440,000

In the first financial year the savings will be 7/12th of the total above (September to March). Financial year savings compared with the original proposals are:

Financial Year	Original saving	Revised Saving	Variation
2014/15	£306,000	£179,000	- £127,000
2015/16	£525,000	£307,000	- £218,000
2016/17	£460,000	£280,000	- £180,000
2017/18	£299,000	£234,000	- £65,000
2018/19	£215,000	£215,000	
2019/20	£151,000	£169,000	£18,000
2020/21	£44,000	£56,000	£12,000
	£2,000,000	£1,440,000	£560,000

The remainder of the savings will be delivered through a range of demand management initiatives, including travel training.

8.0 LEGAL IMPLICATIONS

- 8.1 Recent case law has made it clear that any consultation undertaken must be meaningful, informed and reasonable. Failure to ensure this could lead to legal challenge and any decision taken which takes into account the consultation could be undermined and open to challenge by way of Judicial Review. The Local Government and Public Involvement in Health Act 2007 came into force in April 2009 and introduced a duty for local authorities to involve, inform and consult with their communities. The duty is wide-ranging and applies to the delivery of services, policy and decision making and means the Council must consult relevant individuals, groups, businesses, organisations and other stakeholders that the Authority considers likely to be affected by, or have an interest in, their actions and functions.

This School and College Transport Policy consultation worked to these principles, and ensured that all relevant individuals and groups were afforded genuine opportunities to comment on and inform the final decision. The leading judgement regarding consultation is R v North East Devon Health Authority, which established that consultation should meet the following principles:

Consultation must take place when the proposals are at a formative stage: relevant individuals were able to comment on and inform the proposal before the initial budget option was published, during What Really Matters stage one, when the proposal was first published, during What Really Matters stage two, and again when the Director of Children's Services published the details of the proposed new Transport Policies during April 2013.

Consultation must provide consultees with sufficient information in support of particular proposals to allow an intelligent response to be made: During What Really Matters Stage Two, consultees were provided with a detailed paper outlining the rationale behind proposing to change the related policies in order to bring Wirral in line with other authorities and to achieve major savings. Further, following the Council decision on March 5 to introduce new policies, the Director of Children's Services published an additional detailed paper outlining the details of the proposals. The paper provides consultees with detailed, substantial and impartial information which informed the recommendation. Consultees were also provided with the opportunity to input into this process through a questionnaire and through existing groups and forums.

Consultation must give sufficient time for responses to be made and considered, and must ensure that the responses are conscientiously taken into account when the ultimate decision is taken: Consultees were communicated with directly, in writing and

at a series of briefings and consultation events through bodies such as the Children's Trust and Schools Forum(s). These events took place both during the What Really Matters consultation process, which lasted for 90 days and again during the consultation on the specific proposals on the detail within the proposed new policies. Comments received during What Really Matters were provided to Cabinet on February 7th 2013 and comments related to the proposal are provided to Cabinet at Appendix 2 of this report. Due regard has been given to all comments received.

The consultation documents were made available to all, were provided in plain English. The consultation documents further contained a candid explanation for the reasons behind the proposal, and also provided reasons for and against alternative options.

9.0 EQUALITIES IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(a) Yes and impact review is attached

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010-0>

Transport (Children's and Adults) - Children's EIA.

10.0 CARBON REDUCTION IMPLICATIONS

10.1 If the new policies are put in place there will be a reduction in the number of Council vehicles taking children to school and there may also be an increased number of children using public transport with reduced carbon emissions. However there may also be an increase in parents driving their children to school which would increase carbon emissions.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 Not applicable for this report.

12.0 RECOMMENDATION/S

12.1 That Cabinet agree to adopt the new 5-16 Home to School Transport Policy and the new post 16 School and College Transport Policy so that they apply to pupils and students commencing in September 2014 onwards at primary and secondary schools and colleges.

12.2 That Cabinet agrees that pupils and students who have been assessed under the existing policies are to retain their current provision until they leave their current school.

12.3 That Cabinet note the change in budget savings arising from the revised Post 16 SEND policy, and that the remainder of the savings will be delivered through a range of demand management initiatives including travel training.

13.0 REASON/S FOR RECOMMENDATION/S

13.1 Taking due regard for the consultation findings the option regarding provision of free transport for Post 16 students with SEND has been reviewed. The new policies ensure transport support will be provided to the most vulnerable students. The budget option savings have been reduced accordingly; the remainder of the savings will be met through a range of demand management initiatives including travel training.

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APPENDICES

Appendix 1: Home to School Transport Policy for Children and Young People Age 5-16 2014-15.

Appendix 2: Post 16 Transport Policy Statement 2014-15.

Appendix 3: Analysis of the Budget Option consultation on School and College Transport Policies.

REFERENCE MATERIAL

Guidance on home to school travel and transport - Reference: DFE-00023-2013.
16-19 Bursary Fund Guide for 2013/14 – Education Funding Agency. April 2013.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
<ul style="list-style-type: none">• Council	5th March 2013
<ul style="list-style-type: none">• Cabinet	18th February 2013
<ul style="list-style-type: none">• Children and Young People Overview and Scrutiny Committee	12th February, 2013