

Response ID ANON-HSUA-A5TQ-C

Submitted to **Home to school travel and transport: statutory guidance**

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Introduction

Further information

Respondent details

1 What is your name?

Name:

Kay Moore

2 What are your contact details?

Email:

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Phone number :

3 Are you responding as an individual or on behalf of an organisation?

Organisation

If organisation, what is your organisation?:

National Network of Parent Carer Forums (NNPCF)

If individual, what is your role? :

4 Would you like us to keep your responses confidential?

No

Reason for confidentiality:

Ease of use and understanding

5 Do you agree that the new guidance is clear and easy to understand?

Yes

6 Are there any areas of the revised guidance you believe could be further improved?

Yes

If yes, please provide further feedback. :

Families of disabled children, and or those with SEN, have lives that are often very challenging. Day to day living can present numerous hurdles and complications. Because of this, parents often find everyday tasks, like completing the school run, particularly difficult. NNPCF members have given their time to input a response to this consultation because it seeks to improve the statutory guidance on an issue that are extremely important to them.

The NNPCF are aware of the difficult financial climate facing all Local Authorities and where possible we have given suggestions that may improve efficiencies and/or help reduce costs.

Families greatly value the support they received through the SEN Transport provided by local authorities. However, emotions run high amongst families where they fear this much needed support may be taken away or the quality of provision is not as good as it should be.

The NNPCF welcomes this guidance which is clear and easy to understand and if implemented will reduce misinterpretation of the current guidance, resulting in families have better information and support relating to SEN Transport.

However, there are a few areas of the revised guidance the NNPCF believe could be improved further:

1. The NNPCF recognises that this guidance is for statutory school age children only, however, transport is an area where we feel that all parties need to take a step back and review the whole. In many local areas, local authorities have an SEN (school)* transport policy for under 16s, an adult social care transport policy (for day services) and a proposed Short Breaks transport policy for those under 18. With the Children & Families Act 2014 extending age groups from 0 to 25 there are gaps, overlap and considerable confusion for all.

2. The NNPCF welcome the clarification that being in receipt of DLA or having access to a Motability vehicle does not effect eligibility for free home to school transport, however, many PCFs report that this is currently an issue locally. The NNPCF would welcome confirmation within the guidance as to how this will be checked and enforced.

3. The guidance needs to be clear that Local Authorities and providers have duties under the Equality Act to ensure that reasonable adjustments are made to ensure that children and young people who may display behaviours that challenge whilst accessing transport assistance are not negatively impacted or discriminated against. The policy should set out an example on behaviour and make it clear that sanctions should only be applied if the child/young person has the capacity to understand why they are being 'excluded' from transport. If behaviour is a direct result of the child/young person's assessed need e.g. autism/learning disability then the transport staff should be appropriately trained including positive behaviour support and restraint.

4. The NNPCF welcomes the opportunity for local authorities to consult with their PCFs on proposed changes to home to school travel policies. However, the NNPCF would request that the DfE takes this further and stresses the importance of co-producing the policy with their PCF. The NNPCF are always keen to try to find a way forward by working collaboratively with all partners. Our members seek to put our valuable time and resources towards constructive co-production to improve both value for money and quality of the service, whilst developing independence.

5. The SEND Transport policy should form part of the Local Offer. Families need to be made aware of the 'nearest suitable school' approach so that they can make an informed choice when expressing a preference for a particular school.

6. Training - further clarification is required as to whether the training is mandatory, when it should be refreshed and how it is monitored.

Examples

7 Do you think the examples will help local authorities meet their statutory duties?

Yes

8 Please use the box below to provide additional comments on any of the examples, ensuring you refer to the example to which your comment relates.

Additional comments:

The examples given help to clarify the criteria that apply to all children and those that apply to all children with a disability , special need or mobility difficulty regardless of whether they have a EHC Plan or not.

Parents are often unaware that the eligibility for transport is considered to the nearest suitable school only and the conditions that apply to school preference. The NNPCF would welcome further clarity in the guidance in terms of whether a local authority should not refuse to name the parents' preference if there would only be a small cost difference or whether parents can contribute to the additional costs.

The NNPCF would like to see the following additional examples:

1. linked to Child L (accompaniment) under statutory walking distances (SEND) for a child or young person who may have a hidden disability (autism/ld) who may refuse to walk, have sensory difficulties or it is unsafe for the child to walk.
2. linked to Child M (medical) - this needs to be expanded for example, to clarify whether or not an escort can be trained to administer medication or not.
3. an example to be included on behaviour relating to SEND. This should include reference to listening to the family and the strategies they use. Incorrect use of strategies can escalate rather than de-escalate a situation. Often a taxi /mini bus arriving late without any prior warning or change in personnel will cause anxiety and associated behaviours.

9 Are there any other areas in which you believe an example may be useful, or where you could possibly provide a further example? If so, please use the box below.

Further comments :

see above.

In addition it may be helpful to include an example of where a parent carer forum has successfully worked with their local authority. SNAP PCF in Bedfordshire, raised concerns through their LA Transport consultation that the suggested change in policy was unlawful. The PCF had not been involved in developing the original consultation through coproduction.

SNAP contacted their members , the LA and Councillors to challenge the decision and requested a meeting to talk through their concerns.

The LA apologised and agreed that their understanding of the law was incorrect. They set up a new SEN Transport policy board with SNAP representing the parent voice.

This is a clear example of how PCFs allow for challenge whilst keeping a positive relationship with their LA.

The interaction between Universal Credit and eligibility for extended rights transport

10 Are paragraphs 15-19 clear about the interaction between Universal Credit and extended rights?

Yes

If not, please explain why:

Children with medical needs

11 Do you agree this is an effective and proportionate approach to the management of children's medical needs on school transport?

Yes

Local home to school transport policies

12 Do you agree that Part 4 and the checklist in annex 1 will help local authorities make sure their transport policies are lawful?

Yes

General comments

13 Paragraphs 22-26 on personal transport budgets

Additional comments:

Forums report the use of personal transport budgets is a mixed picture. Often PB/mileage is not offered to the family if there is a place on a commissioned route as this would be seen to be 'double counted'. There needs to be some flexibility within block contracts to enable families to use a personal transport budget.

In LB Bromley, the parent carer forum explored the possibility of introducing a Car share scheme as a possible way forward that would reduce costs. However, it was felt that this may prove impractical as there would need to be a contingency for when driver is unwell or one child becomes ill and driver cannot take the other children.

14 Paragraphs 69 and 70 on independent travel training

Additional comments :

Forums welcome the opportunity for young people with SEND to undertake independent travel training with a view to developing greater independence. This should align to the outcomes set out in the young person's EHC plan as they prepare for adulthood.

NNPCF would like to see details of the training published on the Local Offer. We would also want to have reassurance that a risk assessment is undertaken for all children and young people. There must be a robust assessment of child/young person's ability and competence to travel independently before transport assistance is withdrawn. This would include ability to travel independently on school route along with their peers. Parents must be in agreement.

Travelling a route can differ significantly depending upon time of day. This is especially the case when travelling on public transport with school age children. The social, or rather anti social hustle & bustle of getting on a bus with boisterous children can be daunting. A child with special needs may well stand out as 'different' in this scenario, leaving them even more vulnerable and socially isolated. Possibly expose them to bullying. Buses may be overcrowded and noisy which child with sensory issues would find hard to deal with.

Therefore the NNPCF would request that the guidance is changes from 'should' discuss with parents to 'must' discuss with parents before offering travel training to young people with SEND.

Greenwich Parent Voice are partnering with other local organisations to pilot a travel buddy pilot enabling children or young people (8-25) with SEND to walk or cycle to school/college with 1:1 support provided by a team of volunteers. The scheme aims to help children and young people to learn new life skills, stay safe, develop confidence, adapt to new situations and use these skills to be more independent and able to access the local community with their friends.

15 Paragraphs 77 and 78 on behaviour

Additional comments:

Children and young people often look forward to travelling on SEN transport. For some children this affords some 'independence' from their parents and enables them to interact with their peers group. For many children and young people, especially those who have an autistic spectrum disorder, their transport provides routine and security, enabling them to arrive at school ready to learn.

Any positive strategies that have been employed to manage behaviour on home to school transport :

Having a positive behaviour support (PBS) approach to providing transport assistance rather than taking transport away when a child is struggling, anxious or upset.

Ensure that all drivers and escorts taking pupils to and from school and related services have undertaken appropriate training, and that this is kept up to date. Minimise changes in drivers and escorts. It is disruptive to children to have regular staff changes

Work in partnership with the parents. They know their child the best and will be able to provide strategies and 'top tips'.

Parent Carer forums are a valuable resource and can offer to deliver joint training with the SEN Transport team to providers, to help them to understand the needs of the child from a parent's perspective.

16 Any further comments

Any further comments:

Local forums have previously told us the following issues are common for the families they represent:

1. SEN Transport is a real problem for parents with children with SEND both in terms of eligibility and quality of the service provided.
2. Children and young people with SEND outside of the compulsory school age (Pre-School and 16-19 years) where Local Authorities can use their discretion. Pressures on Local Authority budgets have resulted in many areas cutting transport assistance for these children and young people.

Working with parents of children and young people with SEND (0-25) has enabled NNPCF to identify gaps and possible cost saving opportunities across transport provision. Whilst NNPCF recognise that this consultation relates specifically to the statutory duty is to provide transport assistance to compulsory school age (16), it would be helpful for families and young people to have a clear 'offer' in terms of transport assistance to 25 years across Education, Further Education and Social Care in line with the Children & Families Act 2014. In the same way, parents would also find it helpful to have a clear 'offer' for preschool transport assistance.

3. Lack of disability awareness and training for drivers and escorts.
4. Health, safety and safeguarding concerns.

The NNPCF would like to see reference to quality controls and assessments that are in place for monitoring SEN transport services/providers and request that these are included in the SEN Transport Policy checklist.

5. Services which are not flexible.
6. Services which are not children, young person or family centred.
7. Current statutory duties around the provision of travel assistance do not align with other legislation (see 2 above).
8. There are currently no statutory duties to provide travel assistance to support young people to work. Information on 'Access to Work' is not readily available and funding is limited to 39 weeks.
9. The inclusiveness and attitude of schools and colleges and whether children and young people with SEND are able to go to local schools and colleges or not is having an impact on SEN Transport budgets.
10. Travel assistance does always work towards supporting children and young people with SEND to become as independent as possible, improving outcomes as they prepare for adulthood.

Public Sector Equality Duty

17 Do you agree with the public sector equality duty assessment as stated above?

Yes

Please explain why. :

New Burdens Assessment

18 Do you believe the revised guidance will result in any new costs or savings for local authorities?

No

If yes, please explain why. :

The NNPCF are concerned that many Local Authority SEN Transport policies and practice is unlawful.

If this is the case there will be additional costs for local authorities who have previously turned children and young people with SEND down for transport assistance.

Further contact

19 Would you be happy for us to contact you in relation to your consultation response?

Yes