

17<sup>th</sup> February 2015

## **Parent Carers' Council (PaCC) Response to home to school transport policy Feb 2015**

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This response to the consultation on the new, draft, Home to School Transport Policy has been written by the PaCC Steering Group which has 13 members, representing the views of approximately 230 signed up members of the Parent Carers' Council.

The steering group welcome the opportunity to comment on the draft Home to School Transport Policy. We agree that it is timely to review the policy and hope that we can work with the Local Authority to create a final draft, which ensures suitable transport to school for those CYP entitled to home to school transport, avoids risks for vulnerable CYP, whilst encouraging an emphasis on independent travel training and ensuring funds are spent efficiently and effectively.

The steering group see the home school transport policy as underpinning a good start to the day for CYP, supporting the strong key message of the Children and Families bill: good outcomes for our CYP.

We feel it is important for the local authority to understand, and for the policy to acknowledge, that travel to and from school is a critical component of the school day for CYP who often struggle with learning and everyday activities that other CYP take in their stride. A safe and successful transition between home and school must be a key component in the child-centred, integrated approach recommended by the SEND review.

We welcome Michael Nix's statement (email 3 Feb 2015) that "a key dimension of [the policy] is to promote and support the development of independent life skills through a focus on independent travel training leading to different modes of assistance with travel to school". However, while the policy makes ample reference to promoting independent travel (points 20, 21, 22, 33, 36) - there is little evidence within the policy of support from the local authority for independent travel training. As the policy stands, there is an aspiration towards independent travel, but no measures to ensure independent travel training, and therefore we dispute that the policy currently addresses equalities issues adequately.

We particularly welcome Michael Nix's communication that additional resources will be provided to schools so that they can develop a stronger approach to independent travel training. We would like the details of this additional funding and the provision of ITT to be clearly set out in the Local Offer. This should also be explicit in the policy, in order for the Local Authority to demonstrate their commitment for improving outcomes for CYP with SEND, as well as to ensure that these resources will be there for CYP in the future.

We also want to stress that independent travel is probably the most risky activity any of our children and young people will undertake. Any potential risks need to be taken extremely

seriously. The policy as it stands does not state who is responsible for undertaking a risk assessment before deciding a particular form of transport (including independent travel) is suitable for a specific CYP. The expectation stated in the policy that most CYPs will travel independently – without explicit responsibility for training or risk assessment - opens up the potential for massive risks. If a child has an accident or goes missing or is abused, who would be accountable?

We have some specific comments, which we have divided it into types of comments/concerns.

### **Positive developments:**

1. Independent travel, where possible, for children and young people with SEND is an aspiration that most parents and young people share.
2. Schools taking more responsibility for attendance, independent travel training and informing the home to school transport team of the transport needs of pupils. We welcome the review of transport needs at the annual review, and would like to extend this to formulating an independent travel training plan for each child, in order to progress the CYP towards independent travel in the longer term, at the appropriate level for each CYP.
3. Transport panel with transparent criteria. We would welcome a PaCC rep, or an Amaze IASS member of staff, (ideally in rotation) to sit on the panel. This model has worked very well on the SEN panel.

### **Concerns**

#### **Legality**

We have taken legal advice on certain aspects of the policy, which are summarised here.

1. Pt 20 and 23: Use of DLA and mobility vehicles. According to IPSEA, any refusal of transport due to receipt of DLA, or asking for parental contribution due to receipt of DLA, is illegal.
2. Pt 20: "The usual transport qualifications of statutory distance and low income will therefore still apply" According to the statutory guidance, "Usual transport requirements (e.g. the statutory walking distances) should not be considered when assessing the transport needs of children eligible due to SEN and/or disability. " This is at best misleading, and at worst illegal. It should be replaced with "The usual transport qualifications of statutory distance and low income (as set out in paragraphs 2 and 3 above) will apply, plus additional considerations about whether a child can reasonably be expected to walk to school (as set out below)."
3. Pt 22: "Assistance with transport will only be provided when parents can demonstrate that they are unable to transport their child/young person to school". This is incorrect and should be replaced with "When considering whether a child's parent can reasonably be expected to accompany the child on the journey to school a range of factors may need to be taken into account, such as the age of the child and *whether one would ordinarily expect a child of that age to be accompanied.* " (statutory guidance) or an equivalent clause, including the element written in italics.

## Omissions

Omissions in the policy are very serious since they lead to the most vulnerable children and young people being most at risk (both from accidents and social risk, such as bullying, grooming, abuse, etc.), since their parents are less likely to appeal. Furthermore, from the point of view of the LA, omissions will lead to a large number of appeals from those parents who are aware of it.

Specifically:

1. Pt 20: “For most secondary age children ... with a statement of SEN or EHCP, it is expected they will travel to school independently”. This goes contrary to the fact that the majority children with statements/EHCPs need extra support compared to peers, and will therefore be older than their peers when they are able to travel independently *with the same level of risk*
2. Pt 32: Recognition is needed that children with some SEND may be more likely to have issues with behaviour whilst using transport and any review of their transport arrangements following a incident should consider this. ie. is transport arrangement unsuitable and causing stress/distress. (See also equalities section 44 of Statutory Guidance)
3. Pt 12 and 25: Children facing exclusion or attendance issues. If these issues relate to their SEND, the usual SEND eligibility criteria for transport apply.

## Risks

The policy as it stands opens up risks for many CYP, and will disproportionately affect those whose parents are less likely to appeal.

Specifically:

1. See all omissions above.
2. Pt 20: The LA is “expecting” schools to help CYPs to develop independent travel skills, and is “expecting” children to travel independently. What will the LA do to ensure these expectations become reality? Taking away home to school transport, based on these expectations, is very risky for CYPs. Will the LA ensure risk assessments are undertaken before deciding a CYP is capable of independent travel? What will the LA do to ensure the aspiration of pt 21 becomes reality, since most of the policy is predicated on this aspiration? The answers to these questions need to be explicit in the policy to reduce risk and allay anxiety.
3. Pt 33: Who is responsible for carrying out risk assessments before deciding whether a CYP is able to travel independently?

## Pre-school

We would like to express concern about the lack of transport for pre-school children (pt 43). Retracting transport to the ICAN nursery and PRESENS assessment centres will impact on children whose parents are unable to transport them across the city, unless other provision for transporting these children is made available.

## **Manner of communicating and anxiety:**

We welcome the consultation on the policy, and very much hope that the concerns and suggestions of parent carers will be acted upon. Here are a few points regarding anxiety:

1. As it currently stands, omissions in the policy and inclusion of illegal conditions (see above), have led to a high level of anxiety among parents and young people and we understand that many concerned parent carers have already been phoning the Amaze Helpline.
2. The emphasis of the policy is felt to be primarily on children *not* getting home to school transport (eg. "For *most* secondary age children attending special schools or attending mainstream school with a statement or EHCP, it is expected they will travel to school independently"), rather than the duty of the LA to provide suitable transport for eligible children (cf. Statutory guidance, pt 35 "For arrangements to be suitable, they must also be safe and reasonably stress free, to enable the child to arrive at school ready for a day of study"). We would like to see the language emphasis shifted..
3. These anxieties are exacerbated by the perception that those attending faith schools are not subject to the same rigorous criteria as those with SEND.

## **Quotes from PaCC Members:**

"Please do remember when you make decisions that our children emotionally do not reflect their numerical age, when travelling independently would perhaps be seen as 'normal'. They are much younger i.e. I would not be a responsible parent if I sent my son whose emotional age is 7-8yrs to school independently - he would never arrive!"

"LA s blunt wording of expectation that " all children" inc SEND children/YP will be able to travel independently is flawed from outset, should be looking at it other way i.e. for these children it will be expected they will be unable /have difficulty travelling independently( and so transport will be provided alongside independence training."

"I have to say I am concerned about this. My son is in primary school and it has been suggested to me already that I should think of X as a potential secondary school and not the ones nearest to me. He has a Statement. That would necessitate two bus journeys each way. The fact is my son looks different, and other children treat him differently. Some are very kind and protective, but there are others who are very unkind indeed which has already resulted in bribes to get him to go to school after episodes of bullying. I would worry enormously about his safety and ability to cope if he had to make his way to and from school. "

## **Steering Group**

### **Parent and Carers' Council (PaCC)**

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**The Parent Carers' Council (PaCC)** is a parent-led forum which represents parent carers with children and young people with any kind of physical disability, learning disability, complex or long-term medical/health condition, or special educational need. The group was formed to enable parent carers to work closely together to help improve services and support. It aims to help parents get more directly involved in the strategic delivery of services for disabled children in Brighton & Hove and now has about 250 signed up members.