

**Responses to consultation on Home to School and College Travel and Transport Policy for Children & Young People with Special Educational Needs and Disabilities**

There were 13 responses in total to the consultation. Respondents included parents/carers/grandparents, a travel provider, SEND Partnership, and a self-advocacy group. A summary of the responses is provided below:

**Respondent 1:**

The move to encourage parents to drop their own kids off at school must consider that many parents have school aged children that they need to drop off and pick up at other schools at the same time. I would like you to ensure that any requirement to drop off and pick up a second child at a different school is considered in your criteria and steps are taken to ensure neither child's ability to attend school regularly and punctually are negatively impacted. I am particularly aware of research that indicates siblings of SEN kids often also have poor educational outcomes and this change could further impact this.

**Respondent 2:**

I have read your consultation and I think these are positive ways to help to balance the deficit. Especially the below:

- Where parents/carers are in receipt of the higher rate of Disability Living Allowance with a higher mobility element for their child and where this has been used to hire a vehicle, parents/carers will be expected to use this vehicle to support their child to school. If a parent/carer uses their own car, in these circumstances, they may apply for a Personal Travel Budget from the Council.
- I think making the reductions needed in transport are to be encouraged alongside some guarantee that our SEN schools will be able to continue to provide the education and support to our children they do without seeing a reduction in their budget.

**Respondent 3:**

Regardless of distance I feel that all children who attend special needs schools or have a disability should be offered school transport, for their personal safety. It is then the parent's choice if they accept or decline the offer.

**Respondent 4:**

Statutory guidance relating to the provision of school transport places a clear obligation on local authorities to provide transport when special education needs mean children cannot be reasonably expected to be able to walk. I cannot see anything in the guidance that would allow Halton not to meet this obligation based on the parent's level of income or whether or not they are in receipt of higher rate mobility DLA.

The guidance does make reference to parents being paid a mileage rate to take their children to school but it is clear that this must be with the parent's consent. My reading of the proposed

changes are that Halton are looking to require parents to take their children to school and not to make the required mileage payment in relation to this. I am unable to reconcile this proposal with the statutory guidance.

In relation to my specific concern around how we can be expected to be in two places at once when we drop off and pick up two children from different schools at the same time I note the statutory guidance states that Local Authorities should assess whether it is reasonable for the parent to be expected to accompany the child. Clearly it is entirely unreasonable to expect someone to be in two places at the same time. I cannot see how the proposed changes meet the statutory requirements.

**Respondent 5:**

I am a single parent of 2 children, one child goes to school in Runcorn and another in Widnes. Both children finish school at the same time, I cannot be in two places at once. I do have mobility for my son but cannot get to both schools at the same time. This would have a massive impact if transport was taken away.

**Respondent 6:**

I believe that the council are proposing stop transporting disabled children to school. I have a severely autistic 9 year old boy who currently attends *a school* in Widnes. I have taken him to school every day since he started there in 2010. I also have a 5 year old at *a primary school in Widnes* who I also take to school – a logistical nightmare as you can imagine, particularly as I then go to work myself 3 days a week in Manchester.

In 2018, my son will be expected to attend Cavendish Academy in Runcorn. Realistically, all other options have been taken away. My expectation was that he would be taken there and back on transport as there are no schools locally to accommodate his needs. There is nothing that I would like better than to continue taking *my child* to school, for him to walk to school with his friends or for him to ride there on his bike independently.

*He* is non-verbal. He has no concept of danger and no social awareness. I would go so far as to say he is a danger to himself and others. Hence there is an adult with him 24 hours a day. This is part of the reason we have been awarded higher rate mobility and are in receipt of a blue badge.

It feels as though we are being penalised for our son's disability.

If I take him to Runcorn each day our family is being penalised simply because of his disability.

- 1) *He* experiences high levels of anxiety. Sitting in a car, whilst I am driving, in traffic on Runcorn bridge would not be good for his health. (Taxis and buses obviously are entitled to use the bus lane).
- 2) I would have to give up work
- 3) My daughter would be late for school
- 4) My husband is a shift working police officer. This added pressure would affect his job.

Parents of disabled children struggle emotionally, physically and mentally. By asking my child to get a public bus or ride a bike to school displays as an alternative method of getting to school displays a lack of common sense and a complete disregard for our family life.

I ask you to reconsider your proposal and take some time to meet the children and families you are making these decisions about. At least judge each case on its merits rather than the blanket ban you are proposing.

**Respondent 7:**

This response was from a Travel Operator and did not make any comment on the proposed changes.

**Respondent 8:**

This response was from grandparent carers regarding their very specific individual circumstances which, upon examination, will not be affected by the proposals.

**Respondent 9:**

I realise you have to save money and appreciate it is difficult in today's current financial climate.

I would be happy to pay towards the cost of transport for my 17 year old son to go to his school for young people with additional needs, this is because I am able. I worry about those who are not able, I know you say they will receive help and I hope they do.

Both my husband and I work full time, my husband working six days a week. We have 4 children, 2 living at home, the youngest is not able to be left alone and has learning difficulties. My husband and I work together to look after our youngest son, very rarely having time as a family, when we do, these times are precious.

In March we were lucky enough to be awarded the higher rate mobility component as part of the revised PIP. We now have a car to take our son to his various activity groups. I realise now that us having to take our son to school as part of the transport changes, is us paying towards his transport through this benefit. The only issue our family have is the times for drop off and pick up at school. As a working family we have worked our hours to accommodate the morning school run. If we were picking our son up from school then we would have to leave work very early, only working half a day.

You say you want our young people to be as independent as possible, well how is getting taken to school at 17 by your parents being independent? My son had more independence going on the school bus, at least he was away from us. We are proud to be a working family and promote a good work ethic to our children, how do these changes encourage work? I feel like you are putting obstacles in our way! Can I suggest organising or supporting the provision of breakfast/after school clubs specialising in young people with additional needs, to help working families with care.

I would love my son to be able to go to school on his own with his mates, unfortunately this is not possible. Currently I feel he has the next best thing, a laugh and a joke with his mates on the bus and the relationships he has built up with the drivers and escorts have helped him to mature into a fine

young man (his driver is going to be my son's best man when he gets married). If you take this provision away I feel you will spend more money providing other help in other areas.

**Respondent 10:**

This response was from a parent regarding their very specific individual circumstances, who are already in receipt of assistance, which will continue, and will not be affected by the proposals.

**Respondent 11:**

**Proposed Changes to the Policy:**

- *Applications will need to be submitted to assess eligibility for low income families or to assess those children and young people who cannot travel independently due to a medical condition.*

**1. Low income Families:**

Disabled children and children with SEN aged 5-16 will be 'eligible' because they can't reasonably be expected to walk to school – so long as they are attending their nearest suitable school. So for these families, whether they receive DLA is irrelevant as is any other income they might have – the transport has to be free of charge. (**Section 208B, Education and Inspections Act 2006,** <http://www.legislation.gov.uk/ukpga/2006/40/section/77> )

**2. Those who cannot travel independently to school:**

Local authorities are required to: “make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability<sup>10</sup>. Eligibility, for such children should be assessed on an individual basis to identify their particular transport requirements. 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 highlights that the ability to 'walk to school' may be due to a range of issues relating to the child or young person's SEN and/or Disability; note that this proposed change indicates a link to medical conditions only. (**Section 1.3 Provision of travel arrangements: Eligible children, Home to School Transport and Transport guidance, 2014,** [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/445407/Home\\_to\\_School\\_Travel\\_and\\_Transport\\_Guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445407/Home_to_School_Travel_and_Transport_Guidance.pdf) )

- *Where parents/carers are in receipt of the higher rate of Disability Living Allowance with a higher mobility element for their child and where this has been used to hire a vehicle, parents/carers will be expected to use this vehicle to support their child to school. If a parent/carer uses their own car, in these circumstances, they may apply for a Personal Travel Budget from the Council*

1. If a child receives this benefit it is unlawful for this to be taken into consideration when making the decision about eligibility for school transports as it is not one of the criteria

the LA can take into account when deciding whether a child is eligible for home to school transport. For 5 – 16 year olds it is unlawful and cannot be used, nor can anything else other than the legal criteria set out in the 1996 Education Act. (**Schedule 35B, Education and Inspections Act 2006**, <http://www.legislation.gov.uk/ukpga/2006/40/schedule/8> )

2. For anyone who accesses a personal travel budget when using their own vehicle it is imperative that all expenses are covered in their entirety (not solely fuel costs) in compliance to 508B which states arrangements MUST be made free of charge (**508B, Education and Inspections Act 2006**, <http://www.legislation.gov.uk/ukpga/2006/40/schedule/8> )
- *Where transport is provided for Post-16 Students a charge equivalent to the cost of a bus pass will be made. This charge will be reduced where families are on a low income, consideration will also be given to the duration of the course.*
    1. We agree that there is no specific duty to provide free transport to 16 and 17 year olds – just under 16s and 18 plus. However – transport charges must not stop young people accessing the transport they need, they must be fair and reasonable and should be waived in appropriate cases. LAs need to consult and have due regard to public sector equality duty s.149 of the Equality Act 2010, which requires them to have due regard to the need to advance equality of opportunity for disabled learners. (**s. 149, Equality Act 2010**, <http://www.legislation.gov.uk/ukpga/2010/15/section/149>)
    2. Section 2(1c) requires Local Authorities to provide ‘assistance to [a disabled person] in taking advantage of educational facilities available to him’. This duty arises where it is ‘necessary’ for a Local Authority to provide a service under the CSDPA to meet a person’s needs. As such, there will be no CSDPA duty if in fact the disabled child or adult is able to obtain transport to access education under the Education Act 1996 duties and powers described above. However if there is a gap in the 1996 Act scheme and a need for transport to education cannot or will not be met under that legislation, then the CSDPA duty operates as a safety net. From 1 April 2015 however the CSDPA is repealed in relation to those over 18 and entitlement to transport will then be an issue of eligibility under the Care Act 2014. (**Section 2, Chronically Sick and Disabled Persons Act 1970** <http://www.legislation.gov.uk/ukpga/1970/44/section/2>)

#### **Respondent 12:**

I disagree with current Halton transport consultation and the way parents/carers and young people have been treated in the process. Whilst I agree with promoting independence and being enablers for our young people, we must not lose sight of the fact, that for many, they will remain vulnerable and should have their needs assessed individually rather than a blanket model.

Firstly if we even consider asking our vulnerable young people to ride public transport, I urge the LA to firstly look at the barriers faced everyday in doing so. Full buses not stopping, anti social behaviour and promoting diversity all to be addressed before throwing our young people aboard and expecting that someone else other than the LA will deal with the fallout.

The current travel training provision is well below par with having only one independent travel trainer, who's preference seems to be to travel train from his frame of reference, during holidays or quiet times, over a short space of time with immediate return journeys that do not reflect the needs that you get people will be dealing with during busier periods and after a full day at school.

The use of mobility cars to transport young people is just not feasible for all. Firstly, mobility is put in place to enhance and support young people to participate in a fully functioning life, not for their LA to save on transport costs. The current demands the government put on parents to be in full time employment does not always lend to the availability of parents being able to transport either and the current transport arrangements allow for them to return to work and often have their children safely transported home to childminders or other family members. If such additional cost and time constrictions would be placed on already overstretched parent carers, I urge the LA to consider the implications of this such as financial pressure on families leading to isolation, none participation and additional family support, all being caused by the impossible situation being forced upon them.

Many young people with SEND do not attend schools within their own town and often not even in their own borough, whilst I appreciate the cost incurred by the LA to transport them to their named schools, should this not highlight the fact that it isn't the cost of transport that's the issue but the misuse and lack of integrity in the current funded LA provisions that should, given the funding provided meet the needs of most of their remit rather than us having to transport out of their own area?

The offer of costs that would cost no more than a weekly bus pass has been noted, alongside the fact that any school leaver currently in attendance at Riverside or Cronton actually have theirs provided for free, equality it taking advantage of the most vulnerable in society?

Our young people have no choice but to attend school, as parents we fight and work hard to be proactive, meet the needs of our children, love and nurture them and enable and support them into adulthood. So why is it that Halton LA are now trying to remove their only way of attending school, putting financial pressure and time constrictions stress on families and yet still refusing to have a face to face consultation to answer any of the above. Parents of young people with SEND just want fair and reasonable opportunities to have their voices heard and yet Halton LA continue with lack of integrity in doing the bare minimum to tick boxes of participation and Co production, you have targeted the most vulnerable in our society to make your cuts rather than listen to our voices. Had you listened many years ago this could of been avoided by looking closer to home, overhauling the LA current SEND provisions and teams and listening to the warnings from local Taxi services of the impending cost of running your own fleet vehicles.

**Respondent 13:**

Below is a summary of a response from children and young people who attended an independently run consultation event:

**Changes that the council might make to transport to school or college**

**Do you think they are a good or bad idea? Why?**

***When parents/carers get the higher rate of Disability Allowance for their child and have used this to get a mobility car, they will be expected to use the car to take the child to school.***

GOOD It is easy to let my Mum or Grandad take me

GOOD It will be cheaper for the council

GOOD I don't like too much noise on the minibus – the car would be quieter

GOOD Because it will cost the council less money for the young person

BAD Cause they can't use transport anymore

GOOD because you can get around

BAD because you should be able to use the school bus instead of your parents taking you

GOOD

BAD

GOOD A bus costs a lot of money

GOOD to allow parents to be with their kids

***When the council organises transport for young people over 16, they will start charging the same as it would cost for a bus pass***

BAD It is garbage

GOOD It will save the council money which is good

GOOD It is fair to pay some something if you get money

BAD

GOOD It will give young people experience which will help them later in life going on a bus

BAD

BAD

GOOD If you've got money you should pay something

BAD idea that you have to pay for your travel cost

BAD because you have to pay money

***Families who don't have much money will have to apply to have an assessment to find out if they can get help with getting their children to school***

GOOD to check that you are poor

BAD My Mum and Dad haven't got money

GOOD I think it is fair for the government

GOOD

BAD It is not fair

GOOD I think it is fair

GOOD I think it is fair that they shouldn't have to pay for their son or daughter

BAD The person might lie about being poor

BAD as it should be proven in other ways e.g. seeing if they are on benefits or if the parent has a job. It is unfair and unjust

GOOD

### **Our messages about transport to the council**

'It is good that we have come here to talk about this'

'I don't want to go on the bus (school minibus) I want to go in my Mummy's car. The bus is too noisy'

'I want to get the bus more than go in Mum's car'

'Can there be more days for travel training?'

'I think you should go to school without paying any money'

'I want to go in my Grandad's car so I can get to school' (goes to school in taxi)

'I would like to stay with the transport that I have already got. I don't want to change'

'Make sure all young people are consulted on the raising bus fares so they can give their own views on the fares'