



Talking points



The NNPCF is a membership organisation and our mission states that “we aim to empower our members to ensure that their voice is heard at a local, regional and national level.”

Working with our membership we have identified a number of key “talking points” - these are topics and themes that are the most important to our membership and the ones that have been prioritised by the NNPCF.

Based on feedback from our membership and from other partners and stakeholders, the “talking point” summarise:

- The lived experience of our members about each topic,
- What is working and what is not working, and
- What we would like to see changed.

The talking points have been created using a range of feedback which includes:

- Surveys (including the SEND surveys)
- Feedback from our annual conferences
- The topics raised at regional meetings
- Themes and topics raised by our membership on social media
- Face to face conversations with our membership

Transport

In the last year, parent carer forums are reporting increasing concerns around transport:

- Local authorities are reviewing home to school transport provision and policies and PCFs report that families are being denied free transport or being asked to pay in part or in full for their transport. Contact’s 2017 inquiry into school transport for disabled children highlighted a number of concerns, including many illegal blanket statements around eligibility. We welcome the Department for Education’s review of transport guidance following this report.
- There is a gap in the requirement to provide free school transport for 16 and 17 year olds. The NNPCF would like to see this gap closed.
- Families are finding that they are losing their automatic entitlement to a blue badge when they transfer from Disability Living Allowance to Personal

Independence Payments because of differences in the assessment rules between the two systems. We would like to see these rules harmonised.

SEND transport

What does current guidance say?

School age children

Local Authorities (LAs) are required to provide free transport for all pupils of compulsory school age if their nearest suitable school is:

- Beyond 2 miles if below the age of 8
- Beyond 3 miles if aged between 8 and 16
- Or if the route is considered unsafe to walk

Home to school travel and transport guidance published by the Department for Education¹

They must 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 SEND. Eligibility should be assessed on an individual basis to identify particular transport requirements.

The usual transport requirements (e.g. standard walking distances) should not be considered when assessing pupils with SEND.

SEND transport for 16-18 year olds

LAs have a duty to publish a transport policy statement each year specifying the travel arrangements they will make to help young people aged between 16 and 18 (including those who started their programme of learning before their 19th birthday) to access further education and learning.

Home to school travel and transport guidance published by the Department for Education¹

Arrangements do not have to be subsidised or free but LAs must make reasonable decisions based upon the needs of the population, local transport infrastructure and the resources available.

These transport statements must set out the extent to which arrangements will facilitate the attendance of young

people with learning difficulties and / or disabilities. Arrangements for this group must be explicitly set out in this statement.

SEND transport for adults aged 19 and upwards

LAs must provide free transport for adults aged 19 or over including those with an EHCP if the LA has deemed it necessary to make arrangements for them.

Post 16 transport to education and training guidance from the Department for Education²

There are particular requirements for young adults aged 19-25 with an EHCP who have started a new course. Where the LA makes transport arrangements for this group, they must be free.

Areas for concern

In late 2016, Contact conducted desktop research into local council school transport policies. They found a number of concerns:

Contact Inquiry into school transport for disabled children³

- Approximately half of school transport policies included unlawful or blanket statements of other restrictive criteria (such as a child needed to have an EHCP to be eligible or that those in receipt of the higher rate mobility component of Disability Living Allowance had to use this to fund home to school transport).
- Very often policies were not accessible. They were hard to read, full of jargon, used small text, were hard to find.
- Many policies were out of date and included out of date terminology.

30 out of 59 of the local transport policies reviewed by Contact included unlawful blanket statements³

Contact also conducted an online call for evidence and this found that:

- 73% of respondents have their transport provided by the local council
- 24% of transport arrangements are fully or partially funded by the family which for approximately half of families means a cost of more than £500 per year.

48% of families pay more than £500 per year³

Home to school transport arrangements have a significant impact on the lives of families with children with SEND:

- 48% of respondents stated that home to school transport arrangements mean that they can't work or have to work reduced hours
- 27% thought that their child's journey made it harder for them to learn at school and 23% thought their child's journey to school is stressful.
- 17% their child was late for school at least once a week and 16% have a journey time of over an hour.
- Nearly one quarter of people who requested school transport have been refused. This may be because the child lives too close to school or because the parent is expected to drive the child to school.

Contact Inquiry into school transport for disabled children³

For those aged 16 to 17 Contact found the following:

- 38% of families were partially or fully funding transport with 64% paying more than £500 per year.
- Many families found that when their child turned 16, free funding for home to school transport was stopped.

The findings of this report reflect the experiences of school transport shared with us by our membership. At our 2017 conference, the following concerns were highlighted by parent carer forums:

- Poor training and supervision of escorts on transport. Some of the examples given were:
 - Poor understanding of how to manage challenging behaviour
 - Refusal or lack of training on how to administer medicines (e.g. epipens) meaning children could not use transport
 - However, some local authorities have developed good training for escorts.
- Transport services are often deemed inflexible and are not person centred. For example:
 - No variation in pick up points or times which limits choices for the young person on transport

e.g. Haringey Council have done extensive training of escorts.

- (e.g. after school clubs), siblings and parent carers
- Appropriate transport not being available based on the needs of the young person (e.g. not sharing transport).
 - There were some examples of good practice highlighted such as a transport care plan based on a health passport used by some local authorities

Following their inquiry, Contact made a series of recommendations. The NNPCF endorses these recommendations. In particular:

- *The government should review statutory guidance on school transport and post 16 transport.*
- *Eligibility for free school transport must be extended to 16 and 17 year olds.*
- *Local councils should review and correct all unlawful statements in their transport policies. They should work with local parent carer forums to ensure that policies are appropriate for their area.*
- *Parents should have a robust, free and impartial way of challenging school transport decisions and incorrect policies and access to impartial information on school transport.*

Contact have produced a factsheet for parents on challenging school transport policies⁴

The NNPCF is delighted that the Department for Education has announced it will be reviewing the guidance on home to school transport in light of Contact's Inquiry.

We would also like to see school transport explicitly referenced in Education Health and Care Plans and recognised as an integral part of the support a young person requires.

Blue badges

What does the law say?

Some people qualify automatically for a blue badge. For children with SEND, these people typically are:

For a full list of rules, see Department of Transport guidance on blue badges⁵

1. Those who receive higher rate of the mobility component of Disability Living Allowance (DLA)

There are seven possible ways to qualify for high rate mobility. Most of these relate to some form of physical disability or impairment. There is provision, however, to receive the higher rate component if a child meets the severe mental impairment criteria:

The National Autistic Society website has very clear guidance on the “non-physical” factors that are considered when assessing the mobility component of DLA for children⁶

- The child gets DLA high rate care and
- The child has a state of arrested development or incomplete development of the brain which results in severe impairment of intelligence and social functioning
- The child has severe behavioural problems

2. Those who receive Personal Independence Payment (PIP) and score more than 8 points in the “moving around” activity of the mobility component. This means they are unable to walk more than 50 metres.

The Citizen’s Advice Bureau has published a list of PIP assessment and scoring criteria⁷

Some people may also receive a blue badge if they are more than two years old and have a substantial disability which causes inability to walk or very considerable difficulty in walking.

And, the parent of a child under the age of three can apply for a blue badge if they have very bulky medical equipment to transport or if they need to be near their vehicle at all times so that they can be treated there or driven to hospital quickly.

Areas of concern

Families are reporting that the rules for automatic eligibility for a blue badge under PIP are different to those under DLA. The PIP rules for automatic entitlement focus entirely on physical mobility whereas DLA makes allowances for mental impairments as well. As a result, at the point where they transition from DLA to PIP, some children (e.g. with autism) are losing their automatic entitlement to blue badges and have to apply through the discretionary routes. Often, these applications are turned down.

The NNPCF has made representations to the Department for Education about this to pass onto the Department of Transport. We have asked that greater emphasis be placed on mental impairments under the automatic eligibility rules for a blue badge under PIP to bring them into alignment with the DLA rules. Children with autism, behavioural difficulties or mental health difficulties are often as dependent upon their cars as children with physical disabilities.

In response to pressure from a number of disability groups, the Department of Transport launched a consultation in January 2018.

See Department of Transport consultations

In addition, the transport workshop at the 2017 NNPCF conference and comment on NNPCF social media have highlighted examples where there are inconsistencies in how local blue badge policies were being implemented:

- Different local authorities are applying different criteria when assessing non-physical impairments (e.g. autism)
- Within the same local authority, inconsistent decisions are being made.

The NNPCF will raise these points with the Directors of Children's Services. We will also posit that the Department

of Transport review into blue badge eligibility will create national guidance to remove these inconsistencies.

Notes:

1. Home to school transport and travel guidance: Statutory guidance for local authorities May 2014
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/575323/Home_to_school_travel_and_transport_guidance.pdf
2. Post 16 transport to education and training: Statutory guidance for local authorities October 2017
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/652980/Post-16_Transport_Guidance.pdf
3. Inquiry into school transport for disabled children – Contact May 2017
<https://contact.org.uk/get-involved/campaigns-research/school-transport-inquiry/>
4. Contact Factsheet: Challenging school transport policies
https://contact.org.uk/media/1144417/challenging_school_transport_decisions.pdf
5. Can I get a Blue Badge? A guide from the Department of Transport for people living in England
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/197719/can-i-get-a-blue-badge.pdf
6. National Autistic Society website - DLA for Children – the mobility component.
<http://www.autism.org.uk/about/benefits-care/benefits/children/dla-mobility-component.aspx>
7. Personal Independence Payment – a table of activities, descriptors and points
https://www.citizensadvice.org.uk/Global/Migrated_Documents/adviceguide/pip-9-table-of-activities-descriptors-and-points.pdf
8. Department for Transport consultation link on NNPCF website
<http://www.nnpcf.org.uk/department-for-transport-blue-badge-consultation/>