

## 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
- 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 travel and transport provision and policies and PCFs report that families are being denied free travel assistance or being asked to pay in part or in full for their transport.
- Some PCF’s are reporting a lack of parental participation in the creation or review of transport policies in local areas. This is compounded by changes in policy happening more frequently.
- PCF’s report gaps or a lack of clarity around post 16 provision. There is a gap in the requirement to provide free travel assistance for 16 and 17 year olds. The NNPCF would like to see this gap closed.
- Contact’s 2017 inquiry into school transport for disabled children highlighted a number of concerns, including many illegal blanket

statements around eligibility. As a result of this, between 19<sup>th</sup> July and 31<sup>st</sup> October 2019 the Department for Education reviewed transport guidance The NNPCF awaits the findings of the review.<sup>1</sup>

## SEND transport

### What does current guidance say?

#### School age children

Local Authorities (LAs) are required to provide free Travel assistance 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

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.<sup>2</sup>

#### 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 19<sup>th</sup> birthday) to access further education and learning.

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.

<sup>1</sup> <http://www.nnpcf.org.uk/wp-content/uploads/2014/03/NNPCF-Statutory-Transport-Guidance-response.pdf>

<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/575323/Home\\_to\\_school\\_travel\\_and\\_transport\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/575323/Home_to_school_travel_and_transport_guidance.pdf)

Arrangements for this group must be explicitly set out in this statement.<sup>3</sup>

### **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.

There are specific 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, it must be free.

### **Areas for concern**

In late 2016, Contact conducted research into local council school transport policies. They found a number of concerns<sup>4</sup>:

- 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.

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 meant a cost of more than £500 per year.

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

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<sup>3</sup> Post 16 transport to education and training: Statutory guidance for local authorities January 19  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/e/652980/Post-16\\_Transport\\_Guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/e/652980/Post-16_Transport_Guidance.pdf)

<sup>4</sup> <https://contact.org.uk/get-involved/campaigns-research/school-transport-inquiry/>

- 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% said 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.

For those aged 16 to 17 Contact found the following:

- 38% of families were partially or fully funding transport, with 64% of those 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 2019 conference, the following concerns were highlighted by parent carer forums:

- Families are increasingly reporting back to PCF's that frequent unplanned changes in drivers, is impacting on children and young people. They also cite a lack of training for drivers and support staff as a contributing factor to negative experiences of the transport arrangements.
- PCF's shared examples of positive results when taxi drivers connect with the young person and make adjustments to make them comfortable.
- Poor training and supervision of escorts on transport. Some of the examples given were:
  - o Poor understanding of how to manage challenging behaviours
  - o Refusal or lack of training on how to administer medicines (e.g. EpiPens) meaning children could not use transport

The London Borough of Haringey have developed training for travel escorts with their parent carer forum.

- Transport services are often deemed inflexible and are not person centred. For example:
  - o No variation in pick up points or times which limits choices for the young person on transport

- (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).
  - Travel training is not widely made available or early enough to meet needs and promote the independence of the young person
  - 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. Contact have produced a factsheet for parents on challenging school transport policies.<sup>5</sup>*

*The NNPCF endorses these recommendations. In particular:*

- *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.*

*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.*

*The NNPCF is delighted that the Department for Education conducted a review of the guidance on home to school transport and await the publication of the revised Statutory Guidance.*

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<sup>5</sup> [https://contact.org.uk/media/1144417/challenging\\_school\\_transport\\_decisions.pdf](https://contact.org.uk/media/1144417/challenging_school_transport_decisions.pdf)

## Blue badges

### What does the law say?

Some people qualify automatically for a blue badge. For children with SEND, these people typically are<sup>6</sup>:

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 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

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 children.<sup>7</sup>

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 criteria<sup>8</sup>

3. Those who receive Personal Independence Payment (PIP)

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<sup>6</sup> <https://www.gov.uk/government/publications/blue-badge-can-i-get-one>

<sup>7</sup> <http://www.autism.org.uk/about/benefits-care/benefits/children/dla-mobility-component.aspx>

<sup>8</sup> [https://www.citizensadvice.org.uk/Global/Migrated\\_Documents/adviceguide/pi-p-9-table-of-activities-descriptors-and-points.pdf](https://www.citizensadvice.org.uk/Global/Migrated_Documents/adviceguide/pi-p-9-table-of-activities-descriptors-and-points.pdf)

and score 10 points under the mobility test of being "unable to undertake any journey because it would cause overwhelming psychological distress to the claimant".

Some people may also receive a blue badge if they have a child under the age of 3 with a medical condition that means the child must always be kept near a vehicle in case they need emergency medical treatment.

Additionally, 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.

In June 2019, the Department for Transport published revised guidance on the Blue Badge scheme which should benefit those with less visible disabilities.<sup>9</sup>

This means that if a child or young person is constantly a significant risk to themselves or others near vehicles, in traffic or car parks or a child or young person regularly has intense and overwhelming responses to situations causing temporary loss of behavioural control, they may be eligible for a Blue Badge.<sup>10</sup>

*The NNPCF 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. They made representations to the Department for Education about this to pass onto the Department of Transport.*

*The NNPCF were pleased to see the release of new guidance earlier this year which also includes mental impairments. We will be working with PCF's to monitor how the new guidance is impacting on families.*

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<sup>9</sup> <https://www.gov.uk/government/publications/the-blue-badge-scheme-local-authority-guidance-england>

<sup>10</sup> <https://contact.org.uk/advice-and-support/social-care/blue-badge-disabled-parking-permits/#England>