

INQUIRY INTO SCHOOL TRANSPORT FOR DISABLED CHILDREN



contact

48%

of parents with disabled children **can't work** or had to **reduce hours** because of school travel arrangements



23%

of parents say their disabled child **struggles to learn** because of a **stressful journey** to school

51%

of local school transport policies include **unlawful statements**



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FOREWORD

"I am passionate that every child has access to high quality education. For many disabled children they need transport to meet their school place, but this is not always given. That's why I agreed to chair this Inquiry into school transport for disabled children. Thanks to Contact for shining a light on this issue."

Caroline Ansell, MP for Eastbourne
7 May 2015–3 May 2017

"I run a support group for dads with disabled children and the issue of school transport is often the straw that breaks the camel's back. Families fight to get their child into school and think they've won the battle. Then realise they have to fight all over again for transport."

Paul Meadows, dad to Connor
aged 10, who has autism spectrum
disorder and ADHD

Contact would like to thank everyone who has contributed to and supported this Inquiry. We are delighted that Stephen Lloyd, MP for Eastbourne, is now chairing the Inquiry.



1. WHAT'S THE ISSUE?

School transport is an integral part of a child's education. If a child can't get to school or has a stressful experience getting to school, they are not able to learn and take part in the school day like other children.

School transport sits outside special educational needs (SEN) law in England, but is part of general education law. The general distance criteria state that if a child over eight lives within three miles of school (or two miles if they are under eight) they don't qualify for school transport – unless they fall into a particular group¹. Disabled children may fall into one of these groups.

The law says that a child with:

- *special educational needs (SEN)*
- *a disability, or*
- *mobility problems*

that would prevent them walking to their nearest suitable school, must get free school transport, regardless of distance.

School transport is one of the top education issues the Contact helpline gets calls about. Calls about school transport doubled last summer compared with the previous year. The main school transport issues that come up are:

- *local councils wrongly deciding a disabled child isn't eligible for free school transport*
- *unsuitability of transport for a disabled child*
- *lack of information about the application and appeal process*
- *no entitlement for free transport for 16 and 17 year olds.*

This, together with concerns raised by the National Network of Parent Carer Forums, led us to launch our biggest ever Inquiry into school transport. The Inquiry aim is to:

- *build a broader picture of the problems facing families with disabled children*
- *look at the solutions, and*
- *reach more families with information and advice on school transport.*

The Inquiry is chaired by Caroline Ansell, former MP for Eastbourne.

The Inquiry consists of four main elements:

- *desktop research on local school transport policies (in England)*
- *call for evidence (both written and oral) from parents, transport providers and other interested parties, for example local councils, charities, local parent support groups, and parent carer forums*
- *recommendations to Government, local councils and transport providers*
- *information campaign to parents, local parent support groups, and parent carer forums.*

1. Similar criteria exists in Scotland, Northern Ireland and Wales

2. RECOMMENDATIONS

IN ENGLAND, THE GOVERNMENT SHOULD:

1. Review statutory guidance on school transport and post-16 transport, including vehicle safety and escort training. Below are examples of areas of guidance that could be reviewed:
 - the guidance should be made stronger and more robust – a local council ‘must’ provide school transport for children because of their special educational needs, disability, or mobility problems
 - the appeals process guidance should be the same for school age children and 16 to 19-year-olds
 - a strengthened section on what the effects of moving house are on school and college transport
 - the inclusion of good practice departmental advice with examples
 - the post-16 guidance could give greater clarification on the council’s responsibility under section 508F of the Education Act 1996
2. Extend eligibility for free school transport to 16 and 17-year-olds, to reflect the change in the participation age and the ethos of the SEND reforms.
3. The Secretary of State should write to all local authorities reminding them of their statutory duties.

THE SCOTTISH GOVERNMENT, WELSH ASSEMBLY AND NORTHERN IRELAND EXECUTIVE SHOULD:

1. Strengthen the law, making it clear that education authorities ‘must’ provide school transport for children because of their special or learning needs, disability, or mobility problems.

2. Recommendations (cont)

LOCAL COUNCILS SHOULD:

1. **Review and correct all unlawful and confusing transport policies, including:**
 - **linking transport policies to the local offer. This is a legal requirement under section 30 (2) (d) of the Children and Families Act 2014**
 - **making application processes clearer overall, and including specific details about what documentation parents need to include, particularly evidence about walking difficulties**
 - **clearly stating in the local policies where and how to apply for school transport. This information is crucial (the same applies to the appeals process)**
 - **applying the recommendations made by the University of Leeds.²**
2. **Working together with transport providers and local parent carer forums to come up with smart commissioning options to help reduce costs, whilst improving quality and reliability.**
3. **Working with transport providers to offer disability awareness training for all staff, including drivers and escorts.**

PARENTS MUST HAVE:

1. **A robust, free and impartial way of challenging school transport decisions.**
2. **Simple methods to challenge incorrect local policies.**
3. **Access to impartial information on school transport and other support at school and college.**

3. DESKTOP RESEARCH

Contact conducted desktop research between September and November 2016 looking into local council school transport policies and post 16 transport policies in England. We used a system based on the different areas parent carers need to know about in order to understand their rights to school transport for their disabled children. We asked the following five key questions:

- 1** *Are the transport policies up to date and easy to find on the local council website?*
- 2** *Does the policy clearly say that disabled children may be eligible if they cannot be expected to walk to school due to their disability? (that is, does it accurately reflect the law).*
- 3** *Is there clear information about how to request home-to-school transport?*
- 4** *Does the policy say how the local council will individually assess the transport needs of disabled children?*
- 5** *Does the policy say what individual transport arrangements will be available, including the type of help. For example, bus, taxi, mileage, safety, selection and training of escorts, pick up points, whether additional journeys will be subsidised.*

We looked at 59 English local council policies in total³. **More than 50% (30 out of 59) of the local council transport policies reviewed included unlawful blanket statements or other restrictive criteria.** Most incorrectly stated that children needed an Education, Health and Care (EHC) plan in order to be eligible for free school transport. Some also incorrectly stated that children in receipt of Disability Living Allowance (DLA) at the high rate mobility component must use this to fund school transport themselves.

Only four local council policies did not contain unlawful statements. However, their policies did not contain enough information to ascertain what their criteria actually were.

We made the following observations about the local policies we reviewed:

- *Many policies did not include contents pages, used small text with lots of paragraphs which were extremely difficult to read, and were full of legislative jargon. The policies that stood out as good were those that used flow-charts, shorter paragraphs and colour.*
- *The whole process of finding local policies is extremely time-consuming. It could take between three and eight clicks to find a policy. This is time which most parents, let alone those with disabled children, do not have.*
- *Some policies were not clearly labelled. Good transport policies are clearly named 'transport policy' and are dated.*
- *Many policies were out of date, or included out of date terminology, such as Criminal Record Bureau (CRB) checks. Policies should ensure that they are up-to-date.*
- *Lots of policies lost points for not including information about drivers' training, and Disclosure and Barring Service checks (formerly CRB checks).*
- *Many policies failed to include all four statutory categories of eligible children.*
- *The 16 to 19 policies were often much clearer and more informative.*

The University of Leeds, funded by Cerebra, also conducted similar desk top research⁴. The research has produced similar observations.

3. 11 in London, 6 East of England, 4 East Midlands, 5 North East, 5 Yorkshire, 4 West Midlands, 9 South West, 5 South East, 10 North West

4. Local Authority Home to School Transport Policies: Accessibility and Accuracy

4. ONLINE CALL FOR EVIDENCE (0 TO 25-YEAR-OLDS)

Between February and March 2017 we launched a call for evidence. We received **2,568 responses** to an online survey. This relates to **3,220 disabled children:**

9% aged 0–5 years

69% aged 6–15 years

12% aged 16–17 years

10% aged 18–25 years

The majority of children have a statement of special educational needs (SEN) or an Education, Health and Care (EHC) plan.

74% are in receipt of Disability Living Allowance or Personal Independence Payment

64% attend a special school or college

32% attend a local council or academy school or college.



4.1 HOW DISABLED CHILDREN AND YOUNG PEOPLE GET TO SCHOOL OR COLLEGE

31% get to school or college by coach or minibus

23% by shared taxi or by family car

9% get to school by individual taxi

7% walk

6% use public transport

57% travel to school or college with an escort,

29% with a family member

14% independently.

4.2 WHO PAYS FOR THE TRANSPORT?

73% have their transport provided by the local council. Of these:

74% have their transport provided free

24% are fully or part funded by the family. Of these, nearly a half (48%) pay over £500 per year

34% strongly agree or agree that travel arrangements are too expensive.

4. Online call for evidence (0 to 25-year-olds) (cont)

4.3 EXPERIENCES OF SCHOOL TRANSPORT

48% say they agree or strongly agree that travel arrangements for their child to get to school mean that they can't work, or have to work reduced hours

27% agree or strongly agree that their child's journey is making it harder for their child to learn at school

23% say that their child's journey to school is stressful most of the time

17% say their child is late for school once or twice a week due to travel arrangements and 20% are late once a month

16% of disabled children have a journey time of over one hour

82% agree travel arrangements are safe, but 15% say it is only safe sometimes.

4.4 REFUSED TRANSPORT

Nearly a quarter (23%⁵) of those who have requested school transport from the local council have been refused it.

Of these, the top three reasons why school transport is refused are:

- **child lives too close to school (27% or 77 responses)**
- **parent is expected to drive child to school (21% or 59 responses).**

These reasons are consistent with calls to the Contact helpline. Other reasons school transport is refused include:

7% have been refused due to budget cuts

49% of those who have been refused school transport were not asked by the local council for information about their child's disability when asking for school transport

54% say they have challenged the decision to refuse school transport

70% were unsuccessful.

4.5 (A) IMPACT ON CHILDREN WHEN TRANSPORT IS REFUSED OR REMOVED

Parents reported that it:

- **unsettles the child or young person**
- **inhibits learning**
- **increases feelings of isolation, loneliness and impacts on friendships**
- **perpetuates division and feelings of exclusion.**

"It disrupted his routine and unsettled him at school."

4. Online call for evidence (0 to 25-year-olds) (cont)

"He cannot go to school. I can't work because I am home educating. He is lonely. He has no therapies and his posture and language have got worse. We have to look at a nearer school. I am depressed."

"It put a tremendous strain on the family as I have to get my younger daughter to a different school at the same time. Also I cannot manage my son on my own if he doesn't want to cooperate. I had to go on medication to calm my nerves."

4.5(B) IMPACT ON FAMILIES WHEN TRANSPORT IS REFUSED

Families talk about financial strain when transport is refused, mostly due to reducing working hours. Respondents repeatedly talked about the stress on them and their whole family, and sadly the loss of independence for their disabled children and young people. Some examples include:

"My son needs his independence – the school bus would have helped that. All the children must work around me picking up my disabled child, and they end up missing out on activities."

"We have to pay £600 towards her transport. We are already strapped for cash as it is difficult to manage our daughter's complex health and disability needs. These impact on our ability to work – we both work part-time and on a freelance basis to manage her needs. If she did not get school transport, we would struggle to get her to college ourselves."

4. Online call for evidence (0 to 25-year-olds) (cont)

More quotes illustrate the impact of transport on parents' working patterns:

"Numerous calls and crying fits down the phone as I was going to be unable to go to work, and having to explain that I would lose my job."

"I constantly have to fight for the right to having transport for my son. Not only is it necessary for his needs but I will be unable to sustain my job if transport was not provided."

4.4 INFORMATION ABOUT SCHOOL TRANSPORT

Half of parents responding had never sought advice about school transport.

"I complained about travel arrangements, it was a most horrendous battle. They were rude, no empathy for the situation. It took months of my daughter having to endure journeys of an hour and a half, sometimes longer. The routes were not direct and there were many pick-ups. It caused stress, school refusal and massive anxiety."



5. ONLINE CALL FOR EVIDENCE (16 AND 17-YEAR-OLDS)

Despite the requirement for all 16 to 18-year-olds to participate in education or training, once a young person ceases to be of compulsory school age (which is still 16) there is no direct entitlement to free home-to-school transport, even if they were previously eligible.

Local councils can ask families to contribute to the cost of transport. Once a young person is over 18 there is a stronger right to transport under the adult transport duty, leaving 16 and 17 year olds at a disadvantage compared with other age groups.

The local council must have a transport policy which sets out how they will support young people aged 16 to 18 to get to school or college, including disabled students. Help could mean a taxi or bus, discounted fares, travel cards, or travel training. Local councils should always consider the young person's individual needs before making a decision.

The introduction of a charging policy may be within the law as far as transport law goes. However, a local council may be failing in their duty under the Equality Act to:

'advance equality of opportunity for disabled learners'

if the charge in their transport policy has a:

'significant negative impact on the ability of disabled students to access education'.

Apart from what we already know about the financial impact of raising a disabled child, transport costs may be higher for disabled students.

- 1** All 16 to 18-year-olds have a duty to participate in some form of education or training. However, many disabled young people will need to be in education or training longer than this in order to achieve the particular skills or qualifications they need to reach their full potential.
- 2** Disabled students' nearest suitable course or college may not be the local college. It may be some distance from their home.
- 3** Young people who cannot access public transport easily due to their disability will not be able to take advantage of the usual subsidised travel schemes that are open to other students – taxis are more expensive.



5. Online call for evidence (16 and 17-year-olds) (cont)

KEY FINDINGS

We received **356** responses, relating to **385** young people aged **16 or 17 years old**.

67% of the young people attend a special school or college

35% attend a local council or academy school or college.

5.1 HOW YOUNG PEOPLE GET TO SCHOOL/COLLEGE

40% get to school or college by coach or mini bus

25% by shared taxi

25% by family car

55% travel to school or college with an escort

24% travel with a family member

21% travel independently.

5.2 COST OF SCHOOL TRANSPORT

Three quarters (76%) have their transport provided by the local council. Of these:

60% have their transport provided free (compared with 74% for all ages)

38% are fully or part funded by their family

64% pay more than £500 per year (compared with 48% for all ages)

50% strongly agree or agree travel arrangements are too expensive (compared with 34% for all ages).

5.3 EXPERIENCES OF SCHOOL TRANSPORT

48% agree or strongly agree that travel arrangements for their young person to get to school mean that they can't work, or can only work reduced hours (consistent with all ages)

31% agree or strongly agree that their child's journey is making it harder for them to learn at school (slightly higher compared with all ages)

24% say the journey is stressful most of the time (consistent with all ages)

24% say their child is late for school once a month when using local authority transport (compared with 17% for all ages)

20% are late once a week

7% of disabled young people have a journey time of more than one hour

78% agree that travel arrangements are safe most of the time. However, 20% say they are only safe sometimes.

5. Online call for evidence (16 and 17-year-olds) (cont)

5.4 REFUSED SCHOOL TRANSPORT

81% previously received free home-to-school transport

45% of these said school transport has now been stopped

Of these, the reasons given are:

50% because the child is 16 so not legally entitled

25% have had their transport stopped because of budget cuts

21% because the child moved to further education

69% say they have challenged the decision to refuse school transport. Of these:

72% were unsuccessful.

5.4 (A) IMPACT ON FAMILY WHEN SCHOOL TRANSPORT IS REFUSED OR REMOVED

The quotes below reflect the financial impact and the impact on work, as well as the stress for the whole family. In some cases young people have had their education stopped.

"It was difficult because I have to drop my child to college and train her on public transport, which is not safe for the child."

"It's very stressful. He won't be staying on at 6th form."

"Awaiting a decision but if stopped will mean we will have to look at reducing the hours we work and additional costs."

"We have to pay £1,198 per year to the local authority to provide transport to special school."

"We have had a very anxious time as my son has always had free school transport from the age of three years, to now be told we have to pay, and that we need to apply for transport, and that he may not even get assisted transport. The council said they don't have to provide free transport for 16 to 19-year-olds."

6. EVIDENCE ON SUITABILITY OF TRANSPORT

Local authorities can provide different kinds of transport help, including:

- **a dedicated taxi or minibus service, with or without an assistant (escort)**
- **car mileage allowance**
- **bus passes or travel cards**
- **independent travel training, depending on local circumstances.**

The online survey asked if parents have any issues around the quality of transport and suitability of escorts, taxi or bus drivers. We had more than 1,000 responses to these open questions. 10% of answers were very positive, such as:

“Our drivers and escorts are lovely and are very good with my son. He loves his journeys to and from school and I always think of his taxi as like a big family! They help him with his homework in the taxi and even bought him a little birthday cake and an advent calendar last year. I know they always have his best interests at heart and keep all four children, all of different ages, travelling together harmoniously. They do a great job and we couldn’t have had a better experience!”

“I’m very lucky to have an amazing escort but it’s the not knowing if it’s secure for the next school year. We all worry about that.”

However, the majority highlighted issues in terms of safety, training and communication. These can be summarised as:

- **no escort or untrained escort**
- **unsuitable for child’s needs (for example, child cannot travel with other children)**
- **vehicle unsuitable (for example, cannot take wheelchair)**
- **journey stressful – too long, doesn’t coincide with school hours, unsuitable pick up or drop off points**
- **mileage allowance insufficient or offered inappropriately**
- **transport inflexible – doesn’t allow attendance at after school activities or transport to a place other than child’s home (for example, childminder)**
- **communication issues:**
 - **between the transport provider, escorts, drivers and families with regards to cancelations, changes to driver or pick-up times**
 - **language barriers, for example not trained in British Sign Language, English as a second language**

6. Evidence on suitability of transport (cont)

- **outsourcing:**
 - **changes to charges**
 - **quality and training of drivers and escorts**
 - **unsettling to children who require continuity**
- **safety – concerns included drivers and escorts who do not follow the law, for example speeding, smoking.**

“Escorts are not adequately trained in the needs of the children or how to manage behaviour appropriately. They are not recruited with the needs of the children in mind and are unsuitable for the job.”

“He would often arrive home three hours later than expected, which left him tired, confused, hungry and distressed.”

“The transport providers use unsuitable vehicles for the children’s needs. There is a lack of consistency in escorts and driver.”

“Not good at telling us if transport is late or cancelled. Each new academic year is a nightmare as they don’t let you know who the driver is and at what time they will get your child. They will not drop your child anywhere else other than their home address. This means it’s difficult to get a childcare provider who can pick your child up. No flexibility.”

“It is very worrying that there is not any escort available, it puts my daughter in a very vulnerable position, and it is very worrying to me as a mother.”

7. EVIDENCE FROM PARLIAMENTARY HEARING

As part of the Inquiry, we held a Parliamentary Hearing in the Palace of Westminster on 7 March 2017. This was chaired by Caroline Ansell, the then MP for Eastbourne.

The session heard from two mums and a dad, the National Network of Parent Carer Forums, the school transport provider HCT group, a local council and the University of Leeds about their research into local school transport policies. Jill Davies, Contact's education helpline manager, gave evidence about the calls to our helpline and the law. Here is a selection of evidence that was presented.

7.1

Leanna, mum to 16 year old Billy, who has a rare chromosome disorder.

"When Billy turned 16 I was told that he would not get school transport anymore, even though he is at the same school. I appealed the decision, which was refused, so I took it to the Local Government Ombudsman. They agreed with me, but they referred their decision back to the council, who used the same councillors who again said no. It is essential that Billy goes to college – he has therapies there which are helping him progress. I have now had to give up the job I love as a teacher."

7.2

Leah, is mum to four children, three of whom are disabled. Molly, aged 12, has a diagnosis of autism, an Education, Health and Care plan, and attends a special needs school.

"Recently, through an emergency housing move, we had to give up our home and move to a new address. Our new home means we now live 2.7 miles away from school, so her home-to-school transport has been taken away. I have been through the appeal process and each time it's been refused.

I understand that my local council has a duty to provide transport when the child cannot reasonably be expected to walk there. I have two other children at home to get to school and have had to give up working. The days have all turned into a blur since transport was taken away so abruptly.

My daughter is suffering with stress and has been showing bad behaviour since the change, and we don't know what to do next! Along with this, her Disability Living Allowance award has reduced. This means we are losing her Motability car next week. I just don't know how to move forward, our lives are collapsing around us and there's just no help.

7. Evidence from Parliamentary hearing (cont)

I am drowning in debt and now unemployed. My husband has given up looking for work also to help me care for the children and we are really struggling. I don't even know how I am getting the children to and from school next week as it stands, as my autistic daughter uses a wheelchair when we go out to keep her safe."

7.3

HCT group is a transport social enterprise operating a range of commercial and community transport services.

HCT group operate several home-to-school SEN contracts across a number of local council areas in England. They also operate independent travel training programmes for those young people who are able to become independent travellers.

They described the challenges for local councils, transport providers, or operators.

"As a national transport provider, we bid for contracts put out to tender by local authorities, who are grappling with the same key issue:

Cost versus Quality – We do not believe that, with the increase in demand for specialist transport and decrease in resources, a reduction in service quality is inevitable. Service improvements could be made with some carefully planned engagement, and the commissioner and provider working together to build solutions.

In addition, we have worked with commissioners who have come up with some smart commissioning options to help reduce costs without impacting on quality, for example:

- ***blended commissioning – using the same fleet to deliver services to different client groups, (SEN, school swimming, school dinners), thus utilising vehicles during down time***
- ***altering school start times so you can use half the number of vehicles to drop the same number of children, thus reducing the fleet and associated costs***
- ***allowing parents to pick from a set of drop off/pick up points, often alongside other mainstream schools. This has helped parents who have other children to get to school combine the journeys, and resulted in shorter journey times for all.***

However, we are also seeing a lot of what we call 'race to the bottom' commissioning, whereby services are commissioned route by route, fragmenting the system and allowing the focus to be on cost alone. This encourages people to think of these services as 'logistics' when what we are talking about is a service to some of the most vulnerable members of our community. When the focus is cost, quality providers won't bid because they won't want to offer a poor quality service."

8. CONCLUSIONS

Families with disabled children often face significant additional challenges in their daily lives, and the difficulty of obtaining suitable transport to school or college is adding to this. Unsuitable transport is affecting children or young people's wellbeing and progress in education, as well as family life. The cost of school transport for some is causing additional financial hardship. Many parents are unable to work due to the need to make school transport arrangements for their child.

Families with disabled children face additional challenges around school transport not experienced by other families including:

- *disabled children may go to different schools to siblings – requiring separate journeys and pick up times*
- *disabled young people may need longer to complete their education – so families are bearing the cost of transport for longer*
- *lack of local specialist provision for disabled children and young people. This often means they are travelling further to their nearest suitable place of education – families struggle to provide transport as it is more expensive and time consuming.*





Get involved with our School Transport campaign

www.contact.org.uk/school-transport-inquiry



For advice on school transport please visit

www.contact.org.uk/advice-and-support/education-health-social-care/education/transport-to-and-from-school/



We are Contact,
the charity for
families with
disabled children.

We support
families, bring
families together
and help families
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