

Consultation on proposed changes to Lambeth's SEND travel assistance policy

**Consultation Report
January 2020**

Contents

1 Introduction

1.1 Background

1.2 Our proposals

2 The consultation

2.1 Consultation objectives

2.2 Who we consulted

2.3 When we consulted

2.4 How we consulted

2.4.1 Press activity

2.4.2 Digital activity

2.4.3 Print activity

2.4.4 Event activity

3 Responses from members of the public

3.1 Summary of results

3.2 Summary of post code analysis and demographics

3.3 Additional comments

4 Responses from statutory bodies and other stakeholders

5 What happens next

1. Introduction

1.1 Background

The Department for Education recently updated its statutory guidance on SEND travel assistance. As a result of these changes, we proposed some changes to Lambeth's SEND travel assistance policy based on the changes to the guidance we must follow from central government.

1.2 Our proposals

Our SEND travel assistance policy is a document which explains what our legal responsibilities are, who is eligible for travel assistance and the types of assistance which are available. Every child is different, so all applications for SEND travel assistance are considered on an individual basis.

The proposals were set out in the revised draft SEND Travel Assistance Policy, along with the SEND Travel Assistance Guide for Parents.

2. The consultation

2.1 Consultation objectives

Our consultation objectives provided the opportunity to tell people about our plans and to provide a range of opportunities for people to have their say.

2.2 Who we consulted

We consulted parents and carers of young people with SEND

2.3 When we consulted

The consultation ran between 1st October and 18th November 2019.

2.4 How we consulted

2.4.1 Press activity

There was no specific press activity

2.4.2 Digital activity

Participants were able to complete an online survey via the Council's website. This was also promoted using the Council's social media platforms.

2.4.3 Print activity

As part of this consultation, letters were sent to every Lambeth resident currently using SEND travel support services, inviting them to comment on the proposals either in person at one of the events, via email or via the online survey.

2.4.4 Event activity

There were two events providing opportunities for face to face engagement, one in working hours and one in the early evening to accommodate those who work during the daytime. These were:

9 October 2019 10am-12pm, We Are 336, 336 Brixton Rd, London SW9 7AA (23 people signed in)

And

7 November 2019 5.30-7pm, Lambeth Town Hall (10 people signed in)

In addition, the offer was made to attend parents/carers coffee mornings and drop in sessions at schools in the borough, including Michael Tippett and the Livity School.

3. Responses from members of the public

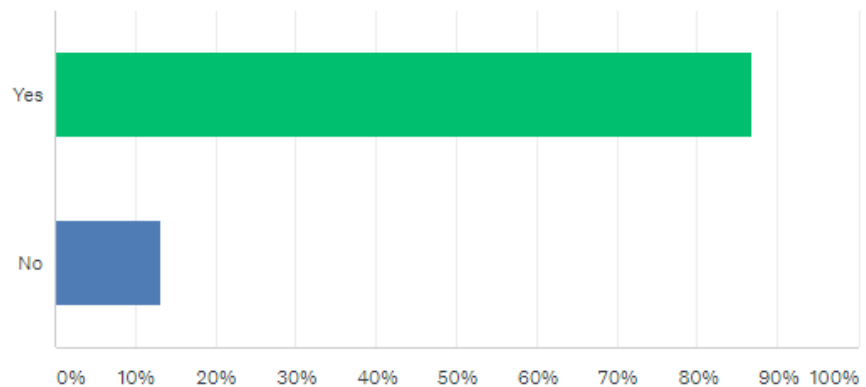
53 responses were received to the online survey

3.1 Summary of results

Q1

Are you aware that Lambeth has a policy for SEND Travel?

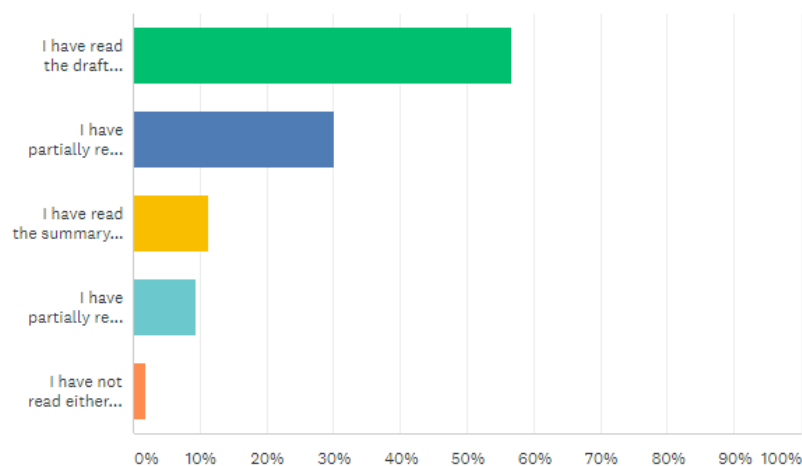
Answered: 53 Skipped: 0



Q2

Have you read either the draft policy document or the summary document?

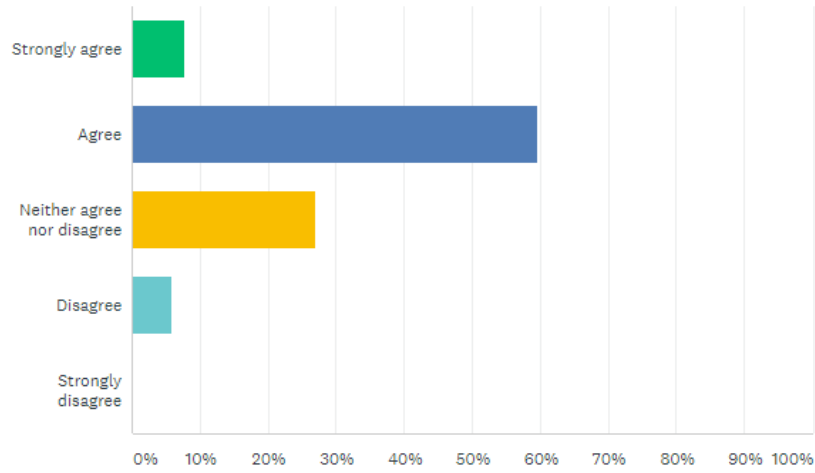
Answered: 53 Skipped: 0



Q3

To what extent to you agree or disagree that the information in the policy is clear and easy to understand?

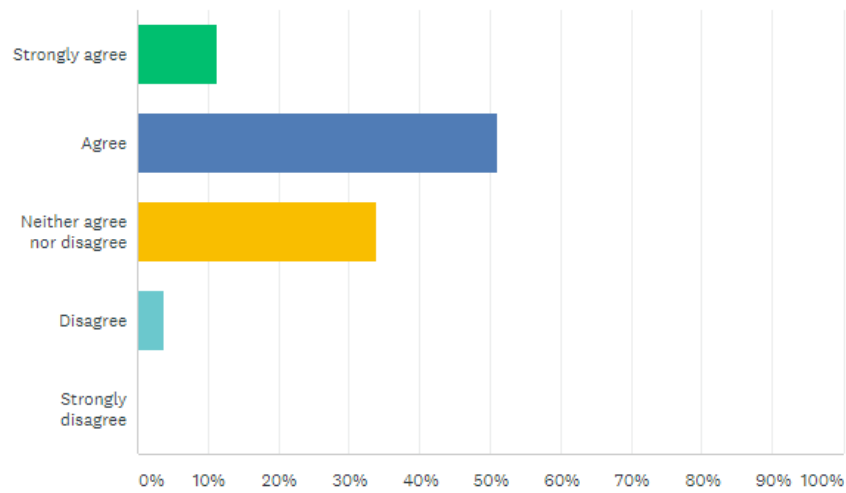
Answered: 52 Skipped: 1



Q4

To what extent do you agree or disagree that the policy contains all the information you expected to see?

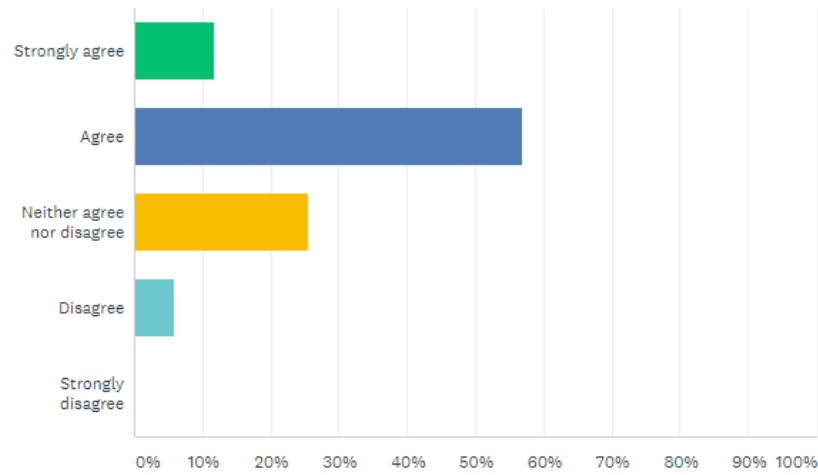
Answered: 53 Skipped: 0



Q5

To what extent do you agree or disagree that the information in the parent guide is clear and easy to understand?

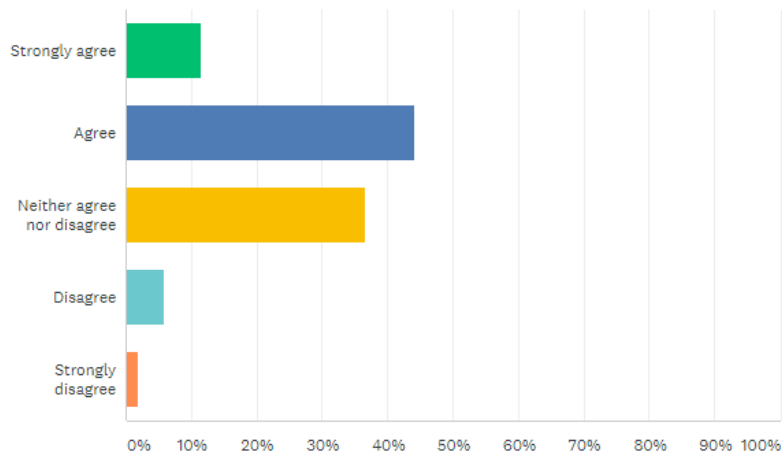
Answered: 51 Skipped: 2



Q6

To what extent do you agree or disagree that the parent guide contains all the information you expected to see?

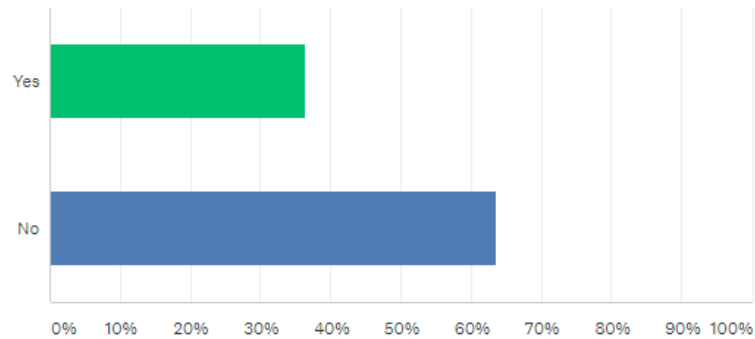
Answered: 52 Skipped: 1



Q7

Would you be interested in learning more about our Independent Travel Training offer, for your child?

Answered: 44 Skipped: 9

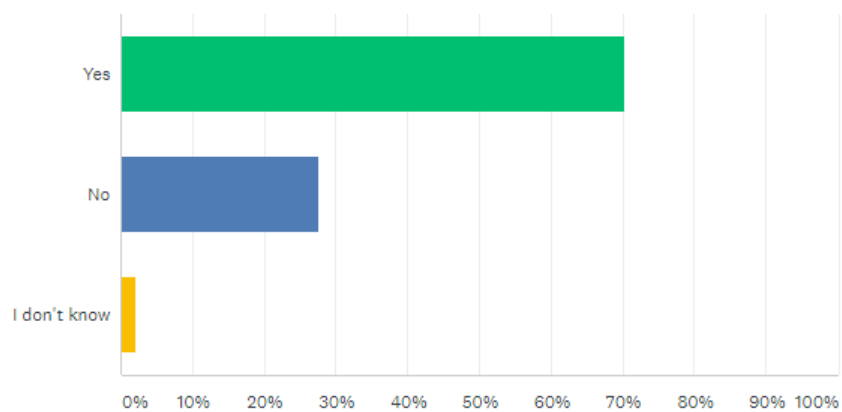


3.2 Summary of post code analysis and demographics

Q1

Are you currently in receipt of any SEND travel support from Lambeth?

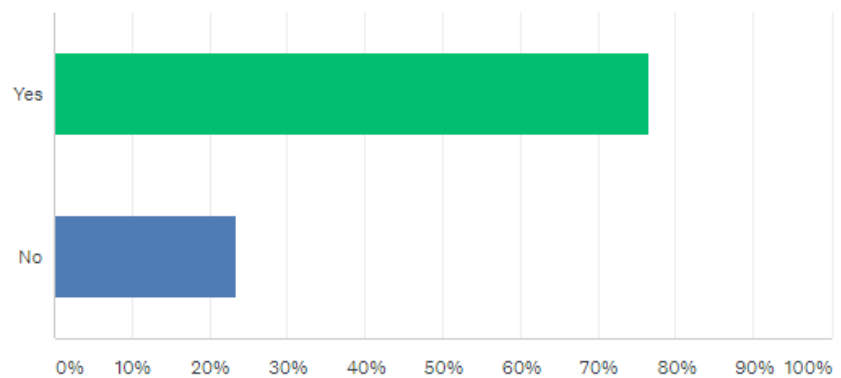
Answered: 47 Skipped: 6



Q2

Do you have children living with you?

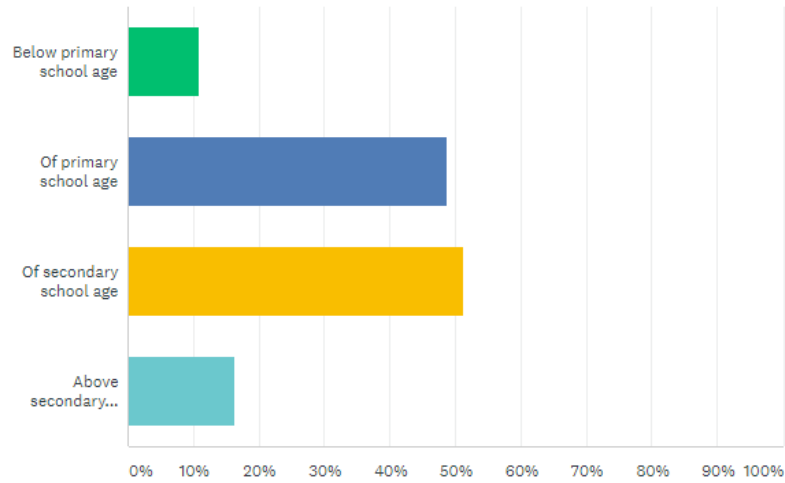
Answered: 47 Skipped: 6



Q3

If you answered 'yes' to the previous question, which of the below statements best describes the ages of your children (tick all that apply)

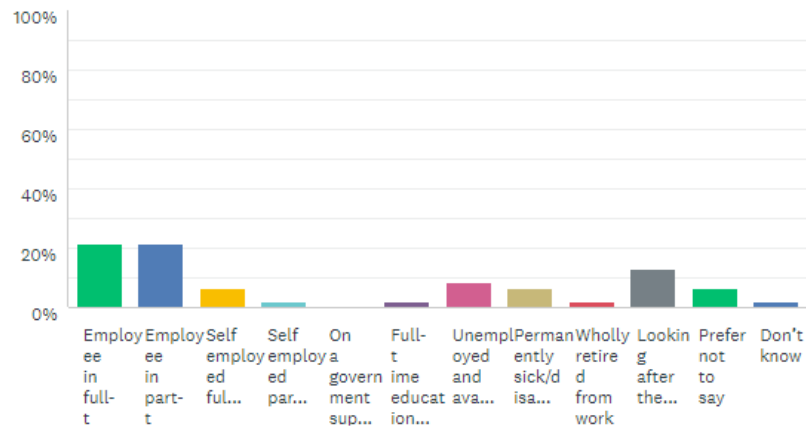
Answered: 37 Skipped: 16



Q4

Which of these activities best describes what you are doing at present?

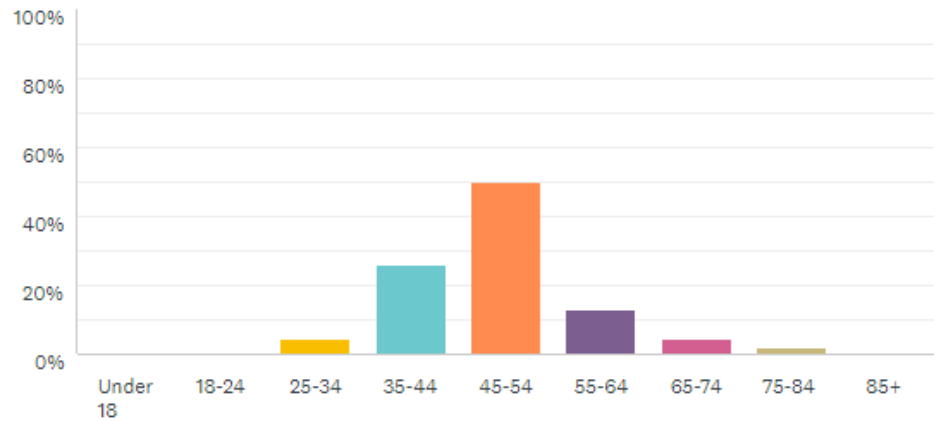
Answered: 46 Skipped: 7



Q5

Which age group applies to you?

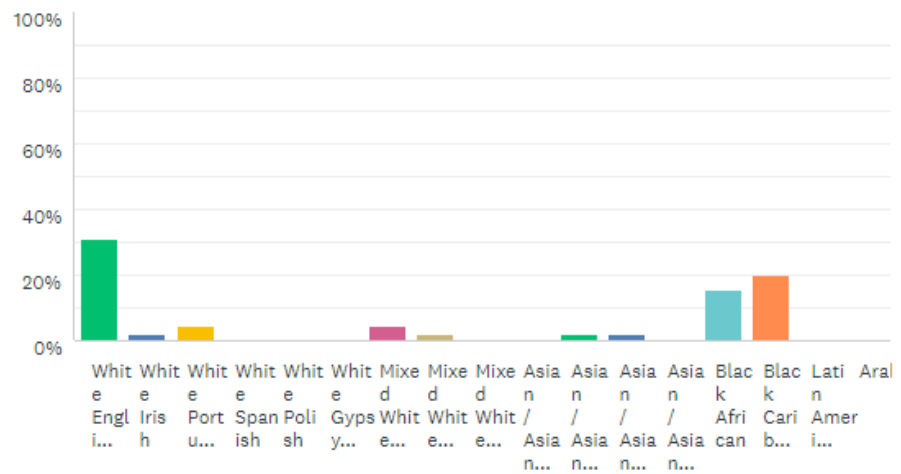
Answered: 46 Skipped: 7



Q6

What is your ethnic group?

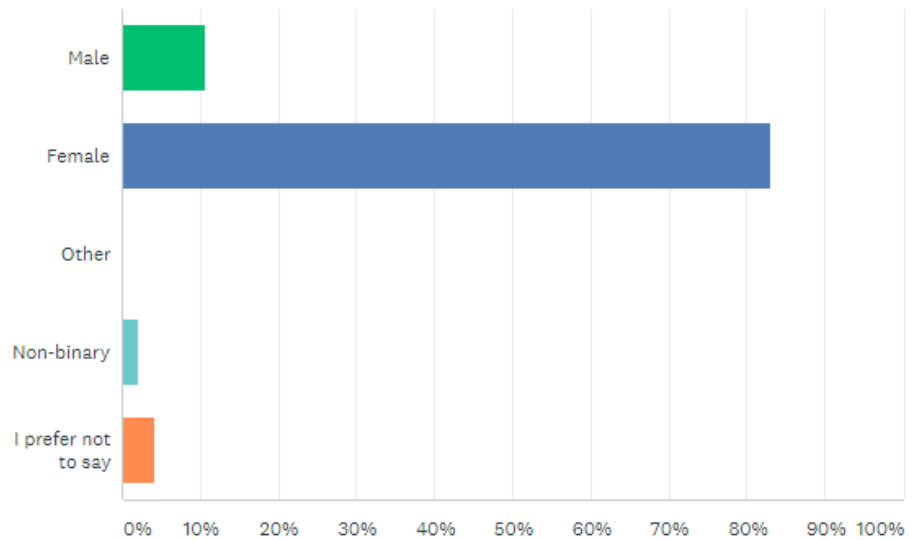
Answered: 45 Skipped: 8



Q7

What is your sex or gender identity?

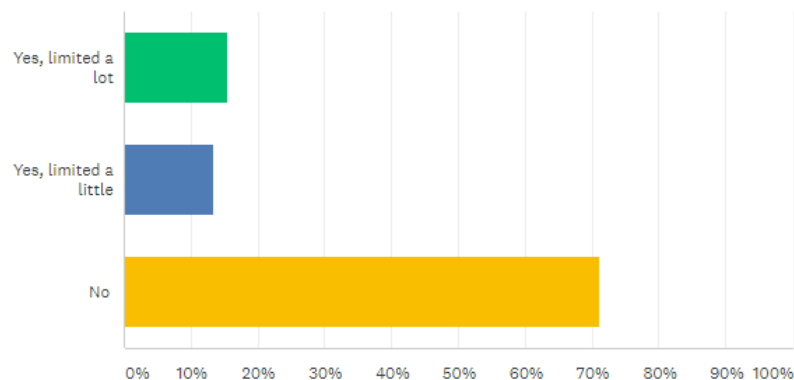
Answered: 47 Skipped: 6



Q8

Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? Please include problems related to old age

Answered: 45 Skipped: 8



Respondents came from the following postcodes:

SE1, SE5, SE11, SE19, SE21, SE24, SE25, SE27, SW2, SW4, SW8, SW9, SW12, SW16

3.3 Additional comments

Twenty nine people responded to the question 'Please tell us what, if any, improvements we could make to ensure the policy is clear and easy to understand'. Responses included:

'I would have expected there to be a clearer focus on what Lambeth will do, rather than what they will not do.'

'Can't think of anything - it's a complex area. Maybe a flow chart to pictorially guide parents through?'

'There is a lot to read on this policy. You are using repetitive language which can be cut down slightly.'

'There is a lot of information to take in making me anxious.'

'I am a disabled mum. It should be clear what happens to people like me. Do we add our needs to the application form. Or do we apply separately about my condition.'

Twenty five people answered the question 'Please tell us what, if any, improvements we could make to ensure the parent guide is clear and easy to understand'. Responses included:

'When communicating this guide, I feel that parents' input should be considered instead of putting total responsibility solely on the parent.'

'Parent guide is a little convoluted, does not emphasise the parental responsibility for escorting SEND child(ren) to school, and makes no mention of out-of-hours activities such as 'breakfast clubs. The policy document was easier to read than the guide which is unusual. Perhaps the same person who wrote the policy document should right the guide...'

'That every child's family should be looked at individually to support their needs'

'Please can you explain into details what happens to the children that already failed the travelling assistance test.'

Eighteen people answered the question 'If you have any other comments, please provide them here'. Responses included:

'Assessment rules for independent training seem draconian and harsh. Almost as if the parents are forced into accepting it.'

'"Engagement in the assessment to be compulsory" should be engagement in the assessment is by mutual consent between parents and the assessors.'

'We would like to be able to give our son a little bit of independence with being able to walk himself to and from the bus without an adult collecting him from the bus. But this is not available to him and would like this to be an option for the children who attend secondary schools.'

'I feel that there was a lot of information to read and take in, also it might be too hard for some parents whose first language is not English.'

'I definitely disagree with giving a fuel allowance to people to drive their kids to school unless there is no public transport and they must be part of a car share scheme.'

4. Responses from statutory bodies and other stakeholders

Response from the Green Group:

Green Group response to the proposed changes to Lambeth's SEND travel assistance policy

November 2019

It is vital that the council provides the necessary support so that all children in Lambeth have equal access to education. This means as a priority providing travel assistance to children with SEND in order for them to have access to the same educational opportunities and choice of educational facility as their peers.

Sadly, there are several elements of this policy which strip away this choice from children and their parents. In our response below we outline why several of the proposed changes in the policy are potentially discriminatory against children with SEND, particularly those from low income families. We strongly urge the council to reconsider the proposed changes to ensure that all children are given equal educational opportunity and to avoid facing potential legal challenge on grounds of discrimination.

- “Lambeth reminds parents/carers that it is their responsibility to ensure that application forms have been received by the SEND Transport Team. No exceptions can be made in circumstances where forms have not been received.”

This element of the policy is draconian and does not take into account any number of scenarios that could arise. Forms may get lost in the post and parents of disabled children are already under a huge amount of pressure and may make mistakes. Parents may also have disabilities themselves and need both support and assistance to complete and submit the required paperwork. Some flexibility must be built in to the policy wording to ensure that parents, who may already be feeling stressed, are not put under even further pressure and anxiety over fear of not following due process and therefore losing out on travel assistance for their child.

We recommend deleting the statement “No exceptions can be made in circumstances where forms have not been received” and adding “parents and carers will be supported as necessary to ensure the correct paperwork is received”.

- “Where more than one mode of transport is suitable, Lambeth will choose the option which represents the most efficient use of resources.”

The sustainability of each mode of transport is also very important here. Given

Lambeth's ambition to be carbon neutral by 2030, the policy should also make reference to considering the lowest carbon and least polluting form of transport. Parent and carer preference should also be a factor as they are often best placed to identify their own child's needs.

We recommend the following wording:

Where more than one mode of transport is suitable, Lambeth Council will not simply choose the option which represents the most efficient use of resources but Consideration will also be given to the carbon and environmental impact of each mode of transport as well as the preferences of parents and carers who are often best placed to understand their child's needs.

- "Generally, transport provision will not be made other than at the beginning and end of the normal school day. In cases of exclusion, illness etc, when a child has to go home during the course of the school day the school, or parent/carer is responsible for transport.

SEND transport will not be provided to accommodate attendance at optional breakfast clubs or optional after school activities."

This appears to be discriminatory. Under the Equality Act 2010, the local authority has a responsibility to make reasonable adjustments for pupils with disabilities and must not discriminate against a student in the way it provides education or affords the student access to a benefit, facility or service.¹ By not providing SEND transport to accommodate attendance at before or after-school activities, Lambeth council will exclude children from playing a full-part in school life on the basis of their disability or need. Participation in extracurricular activities helps pupils to develop social skills, confidence and, some evidence suggests, can help improve academic performance; it would be discriminatory to deprive pupils with disabilities or additional needs of these benefits.

¹ <http://www.legislation.gov.uk/ukpga/2010/15/part/6/chapter/2>

Such a policy would also likely be detrimental to the education of children with SEND as they need more support and help to access education being more likely to miss time at school.

Children with SEND are more likely to have hospital, therapy, occupational

therapy or other appointments during the school day. It is therefore placing a huge burden on some parents to say that they will always be responsible for transport during the school day. In particular, parents who have disabilities themselves or who work during the day, particularly those in precarious employment, may not be able to provide transport for their child during the school day. The policy wording must be changed to reflect this so that transport provision can be provided during the course of the school day and for optional breakfast clubs or optional after-school activities where the parent cannot reasonably provide this.

- “Each case is considered individually on its merits, but Lambeth will not normally provide travel assistance to two addresses. Families of children from split parental homes will therefore usually be required to decide which home is their chosen address for travel assistance purposes; the Council may require proof of this address.”

This is simply not practical. Many children come from split parental homes where they may live one week at one parent’s house and the next week at the other’s for example. To say that they should have to choose just one parent’s address as their home or should travel to the other parent’s home each morning to be picked up when they have existing mobility needs would be traumatic for both the child and the parents.

This element of the policy could also result in the child seeing one parent less than the other as they may have to choose to spend every weekday at one address only. Again this could cause trauma for the child and discriminates against equal parental rights

We strongly urge that this statement is deleted from the policy.

- “ SEND transport will generally not be provided to and from alternative addresses, for example respite centres or relatives, if doing so would be disruptive to the route or would incur additional costs. ”

Again this is potentially discriminatory and takes away opportunities from pupils with disabilities that are available to other pupils.

- “ Sometimes a parent’s preferred school is not the nearest suitable school.

In such cases, Lambeth may refuse to provide travel assistance if the cost of the placement plus transport would be significantly more expensive than the nearer placement. ”

A disabled child and their parent/carers have as much right to choose their school as any other family. In refusing to provide travel assistance to a parent’s preferred school in some cases, Lambeth is taking away this choice from parents of children with SEND.

- “ Where a parent or parents work, this will not normally on its own be considered ‘a good reason’. Lambeth’s general approach is that all working parents are expected to make arrangements to get their child to/from school, including using wrap around services, childminders or relying on families and friends as appropriate ”

As with many other sections of this policy, this is blatantly discriminatory. Parents with SEND children face many additional challenges. We have already stated that parents who work, particularly those in precarious employment, will not necessarily be able to accompany their child to and from school. Furthermore, not all parents will be able to rely on childminders due to the high cost. In addition, to say that parents should rely on families and friends discounts those who do not have a strong community support network around them, for example those who have recently moved to the UK from another country or may have unexpectedly moved to the borough for reasons such as domestic violence. Lambeth Council must make provision for cases such as these and build some flexibility into the policy.

- “We would remind parents that the Guidance does not state a specific age at which one would ordinarily expect a child to be able to walk to school unaccompanied. Our approach is therefore that this point will depend to some extent on the nature of the route. In some situations, for example where the route is very short and safe, the general expectation might be that a 12-year-old could travel unaccompanied. However, where the route is longer or more complex, one might not expect the average 12-year-old, to make the journey unaccompanied. This will be assessed on a case-by-case

basis.”

There are some routes which might be considered “short and safe” for a 12 year old however, for a 12 year old with SEND this may not be the case. This section of the policy seems to assume that a route would be the same level of ease or complexity for any child of the same age, regardless of disability. If the reasonableness of parental accompaniment is going to be based on when “one would ordinarily expect a child to be able to walk to school unaccompanied” then the council potentially risk discriminating against children with SEND on this basis.

- “ If a parent is not happy with Lambeth’s decision regarding travel assistance, they have a right to request a review of the decision to be made by a senior officer to the person(s) who originally conducted the assessment.

The parent has 20 working days from receipt of Lambeth’s decision to make a written request for such a review. ”

The Local Government and Social Care Ombudsman (LGO) recently upheld a complaint against Lambeth Council due to a failure to make reasonable adjustments for a resident who tried to challenge a penalty charge notice (PCN).² The Council’s process required challenges to be submitted in writing. However, the resident in question has dyslexia and so requested to submit the challenge verbally instead. This request was refused and, following a complaint through the LGO, Lambeth was required to pay £750 to the resident for a failure to make reasonable adjustments.

Given the recent upheld complaint, this policy must make clear that reasonable adjustments can and will be made for parents using the appeals process where necessary.

We recommend adding the following statement to this appeals process:

2

<http://modern.gov.lambeth.gov.uk/documents/s112795/20191031%20LGO%20Parking%20Customer%20>

[Services%20complaint%20-%20final.pdf](#)

“ Reasonable adjustments will be made to allow parents to submit their request verbally or in any suitable manner where they are not able to submit a written request”.

Cllrs Jonathan Bartley, Nicole Griffiths, Becca Thackray, Pete Elliott and Scott Ainslie

Response from the Alliance for Inclusive Education (AllfIE)

‘In the policy it is stated: **‘Lambeth reminds parents/carers that it is their responsibility to ensure that application forms have been received by the SEND Transport Team. No exceptions can be made in circumstances where forms have not been received.’**

This statement does not recognise the fact that parents of Disabled children and young people often have to balance a number of their children’s everyday educational and health commitments and appointments as well as their own personal and professional responsibilities. Offering advice and practical support in this area would be much more beneficial.

6

- **Independent travel training**

While for some pupils, this can be beneficial, for many others, this may be impractical and even dangerous. Public transport is not always available or may involve more than one change. There is the additional danger of Disabled children getting stranded in an inaccessible or unfamiliar environment, especially on wet, dark, winter months. ALLFIE therefore believe that independent travel training is not a generally suitable option and that the funding could be better spent training the drivers.

Additionally, the recent reports on SEND such as that from the [National Audit Office](#) on support for children with SEND, highlighted that in recent years there has been an increase spending on special schools. This will require extra transport to these schools, in addition to accommodating children in mainstream schools. Problems in school transport may mean more Disabled young people are required to attend specialist residential provision. LAs are then expected to provide the transport to these special schools, as it will be the only way to fulfil their duties for young people with EHCPs to continue with their education. ALLFIE’s research project “[How was school?](#)” found that attending special schools and special residential schools away from their family settings had damaging effects on children’s mental and emotional wellbeing, and can be considered to be a direct breach of their human rights, and therefore should not be a part of any cost-saving measures.

London Borough of Lambeth Special Educational Needs and Disabilities (SEND) Home to School Travel Assistance: A Guide 2019

The guide states: **‘Travel assistance may be withdrawn if the child’s behaviour is deemed to be a health and safety risk to the provider or others travelling on the same route;’**

It would appear that the guide that is presented for consultation has zero tolerance of “poor behaviour”. It does not appear to accommodate a range of impairments and neurodiversity. Children and young people and their parents need to be consulted and appropriate accommodations put in place, in order for the child to feel included and minimise their distress and anxiety. Instead of using sanctions and segregation to address poor behaviour, we believe that driving lasting change depends on collaboration between children and their family, educational professionals and organisations, and leading authorities.

The guide also states: **‘Travel assistance is awarded for journeys to and from the educational setting at the beginning and end of the day. After school activities and educational trips should be met by the educational placement or the parent/carer.’**

ALLFIE believe education should be more than school-based learning. It is unclear how children and young people’s independent living is promoted and protected in line with UN CRPD Article 19 (on Independent Living) to have transport to support extra curriculum activities outside of the classroom or improve social inclusion within their community and their peers. We believe all learners need friendship and support from people of their own age and abdicating responsibility for this is wholly unfair.’

5. Next steps

Consultation feedback has been considered and amendments to the policy are being made, as appropriate.

A new draft policy will be shared with parents, via Family Action, for final viewing and comments.

The policy will be designed to bring it in line with Lambeth Local offer branding and a final draft will need to return to senior managers and Cabinet Member for sign off in Spring 2020.