



SHROPSHIRE Parent
And
Carer
Council

SEND Transport Consultation PACC Response

April 2019

Proposal

The proposed changes to SEND Transport Provision in Shropshire would mean the removal of SEND transport provision for nursery age children and the introduction of charges for transport to Post 16 provision for ages 16-17.

Currently there are two charging bands for Post 16 transport provision. The proposal for 16 and 17 year are;

- To increase the lower rate contribution to 50% of the cost of the mainstream scheme from £142.50 to £437.50, maintaining the upper limit of the scheme at its current £875 pa.
- To expand the contributions scheme to include SEND post-16 students, in line with the mainstream scheme. With the proposed lower rate contribution of £437.50 and the upper limit contribution of £875 pa.

If agreed the proposals would be implemented from September 2019 and would only impact new entrants to the transport service at the nursery or Post 16 stages. This does mean however that young people in receipt of free transport from entrance to school up to and including year 11, would be expected to contribute to any transport provision Post 16. This will include any young people who currently receive free transport to attend Severndale Specialist Academy, as they move into year 12, at either the main campus or at 'Futures' or other Post 16 provision.

Response to Proposals

PACC issued an initial statement in response to these proposals, which it shared with Shropshire SEND families, with a request for parent carers to share their experience of what free SEND Nursery and Post 16 transport provision had meant to their family. This statement is available at Annex 1.

PACC also wrote to Councillor Nick Bardsley, who at that point was the portfolio holder for Children's Services to request a meeting about the proposals and to discuss some of the initial concerns identified. This letter is available at Annex 2.

The initial statement and letter to Councillor Bardsley and the requests for parent carers to respond to the consultation was distributed via;

PACC website and social media sites

Empathy Community

SEN Shropshire

Parents Supporting Parents @ Bayston Hill

Parents Supporting Parents around the Cliffe

Shropshire Downs Syndrome Group

Friends of Severndale

Severndale Parent Voice

Act Now For Autism Shropshire

At the PACC Conference on the 26th March attendees were also asked to share what difference free nursery and Post 16 transport provision had made to their family.

The feedback from families contained in this response, illustrates the important role that SEND transport provision plays in maintaining family resilience and improving outcomes for children and young people with SEND.

What difference does free SEND transport to nursery and Post 16 settings make to Shropshire SEND families?

'That I could go and pick up my other children from school. Nursery was Severndale, my other son was in school in Wellington and I couldn't be in two places at the same time. It was also extremely difficult to take my ASD son to pick up his brother because of his challenging behaviour; transport meant we avoided daily meltdowns.'

Katharine Slade

Age of child now: 22

Distance travelled to nursery: 6 miles

'Rachel was able to attend CDC nursery with the help of transport. Not being able to drive myself, meant that Rachel wouldn't have been able to go to nursery and get the specialist help and support she needed.'

Alison Shingler

Age of child now: 15

Distance travelled to nursery: 3 miles

'My daughter got the specialist services at Severndale Nursery, as she couldn't walk or talk. The local nursery would not have coped with her needs and confirmed this. As she was a twin no- way I could have taken her to the specialist nursery. Having given up my career to care for a disabled child I could not have financed the travel cost.'

Marina Shah

Age of child now: 7

Distance travelled to nursery: 25 miles (one way)

'Less financial pressure (cost of fuel), enhanced mental and physical well-being of myself and helped my son transition to school'

Zoe Gillings

Age of child now: 7

Distance travelled: 25 miles

A 'Stress free experience for me and son. Son is not able to negotiate public transport. I am not able to drive and financially we couldn't afford a second car in the household – because I can't work due to son not being in full time provision. Driving would have involved a 40 mile round trip twice a day.'

Sue Gerrard

Age of child: 16

Distance travelled to Post 16 Site: 20 miles

'It has enabled my son to choose the course and career of his choice. Had he not been given free transport, he would have had a very limited choice which was not appropriate to his level of skills and qualifications.'

Sheree Jones

Age of child now: 22

Distance travelled to Post 16 Site: 25 miles

'Transport allowed my son and daughter to access the college and course to suit their needs. As a carer of 3 disabled children, I've had to give up my career and there is no way I could finance travel to college.'

Marina Shah

Age of child now: 17 & 18

Distance travelled to Post 16 Site: 30 miles (round trip).

'If they start charging for transport after 16 then my 11year daughter will not be able to attend Severndale as we live just outside Market Drayton and I definitely cannot afford transportation prices, I wouldn't be able to take her and pick her up as I have younger child in our local school we can't be in 2places at once.'

Michelle Higginson

Age of Child now: 11

'Having the transport for my son has been essential, for independence etc and taking the worry out of it. How much more pressure is going be put on the parents having to pay and organise something else? All ready no short breaks services in Shropshire, how much more pressure can parents take to cut costs and it would be money for us, one wage and already paying out for extras like wheelchair tyres repairs etc'

Deb Burrows

Age of Child: 17

Distance travelled to Post 16 Site: Shrewsbury to Oswestry

'Thank you for the opportunity to comment. It has been life changing for my daughter to have an education placement which fully meets her needs and has fostered independence. As a single parent caring for my daughter primarily and also now my elderly mother with Parkinson's I have had to give up part time employment. We are immensely grateful for the school transport service which has greatly helped in developing travel, social and independent living skills. Financially we would really struggle and our situation will be pushed into hardship if charges are introduced.

My daughter is 17 and taking GCSEs (had a disrupted few years until the special education placement hence year older than year 11s - we are really grateful for the placement continuing and she is staying on for a levels). Journey time is 1 hour each way.'

Anne Rousell

'My son is 8years old in August. He was 4 years of age when he started using transport. If we had to pay for the transport it would reduce our disposable single income drastically and would cause massive financial stress upon the family.

We would struggle to live a simple lifestyle that is already difficult due to the stress levels of caring for a disabled child and the isolation. It really doesn't bear thinking about... as unsure where we could cut back ...

Also it would take two hours of my day to take George to school and would cost around £30.00 a week in fuel... not taking into account maintenance and depreciation of the car used.'

Maria Allcock

It is clear from the responses above that the provision of free SEND transport is a valuable service that helps to maintain family resilience and improves outcomes for their children with additional needs. All of which would be put at risk if this provision was removed or became chargeable.

This is further evidenced by findings of the **Contact School Transport Inquiry** <https://contact.org.uk/get-involved/campaigns-research/school-transport-inquiry/> (2017/18) and the recognition that the current legislation does not support the new 'Participation' requirements, which expect young people to be in education or training up to the age of 18.

The School Transport Inquiry states that 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. The report identifies that where transport is not provided it places families under greater financial strain, in most cases as a result of parents having to reduce work hours. In these circumstances, families report an increase in stress levels and a reduction in the independence of their disabled child. It should also be noted that national evidence shows that disabled pupils / students nearest suitable nursery / college may not be the local nursery or college. It may be some distance from their home and therefore travel costs might be higher. This also means that travel times are likely to be longer meaning, so there is a greater impact on the family if they have to transport their child to a nursery or Post 16 setting.

In addition to highlighting the negative impact on families of removing free SEND transport for nursery or Post 16 pupils, Contact's report also states;

"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'."

The Report concludes that;

"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."***

As a result of the Inquiry the Secretary of State for Education has announced plans to review school transport statutory guidance to make sure all local authorities are providing school travel for eligible disabled children. The need for this was further supported in March 2019 by an **Early Day Motion tabled by Stephen Lloyd MP** <https://edm.parliament.uk/early-day-motion/52648/school-transport-for-disabled-young-people>

The legality of the current situation and proposed reductions in transport provision for nursery and Post 16 aged children and young people is also being examined in the Courts.

<https://contact.org.uk/news-and-blogs/school-transport-jr/>

<https://www.leicestermercury.co.uk/news/local-news/hundreds-desperate-families-fight-changes-2754231>

All of this is in the wider context of the recognised additional responsibility and costs experienced by families when they raise a disabled child. This is evidenced in **Contact's 'Counting the Costs survey and report 2018** <https://www.contact.org.uk/get-involved/campaigns-research/counting-the-costs-2018/> . The key finding of the survey showed that;

33 per cent of families have extra disability and care related costs of £300+ per month.

40 per cent of disabled children are going without birthday and Christmas presents; 26 per cent are going without essential therapies.

26 per cent of parents said their child's condition has worsened due to going without basics (up 4 per cent since 2014).

33 per cent have taken out a loan to pay for food (compared to only 4 per cent a decade ago).

36 per cent said that changes to the benefits system in the past two years have left their family worse off.

It is clear to see that the changes proposed by Shropshire Council to the current SEND transport provision will further disadvantage the already vulnerable families of children and young people with SEND and therefore will have a high negative impact on the families affected.

With this in mind it is a concern therefore that the **Equality and Social Inclusion Impact Assessment** <https://shropshire.gov.uk/media/12260/esia-part-one.pdf> produced by Shropshire Council fails to recognise any of these issues.

The issues identified by the ESIIA are limited and do not reflect the true impact of this proposal on Shropshire SEND families if they are implemented. Most of the document is taken up with a description of what has happened in other areas in regard to SEND transport, which while might be of interest, does not explore the potential impact on Shropshire SEND families.

Shropshire SEND families face specific difficulties due to a combination of geographical and demographical factors. It is a large rural area, with a very disperse population including a relatively small number of SEND children and young people spread across the county area. These factors are further exacerbated by the fact that, very unusually, the local area is only served by two special schools, with the majority of children and young people with complex needs attending Severndale Academy in Shrewsbury. This means that for some young people the travel distance to nursery or school is significant. Many students stay at Severndale until the year in which they are 19 and therefore some young people continue to have significant journeys Post 16.

The Shropshire Council ESIIA does recognise the issue of the lack of local provision in terms of nurseries who can meet the need of young people with SEND. The 'preferred provider' scheme introduced by Shropshire Council and supported by PACC, has improved the availability of local nursery provision for children with additional needs in Shropshire, but it is very unlikely that this scheme will remove the need totally for some young people to attend Severndale nursery, where a higher level of specialist care can be provided, including medical care if needed. If the new SEND Transport proposals are implemented it would severely disadvantage those young people whose needs, for no fault of their own, can not be met in their own community. It also potentially removes the element of choice from families to choose between using a specialist or mainstream setting.

It should also be considered that the 'preferred provider' scheme is only reasonably new and has been introduced into a sector that is in a state of flux. Already two of the 'preferred provider' have closed and it is possible that others might follow due to the impact of the free 30 hours child care entitlement. Neil Leitch, chief executive of the Pre-school Learning Alliance's, commented on current CEEDA research;

“Unfortunately this is an inevitable consequence of a situation where, according to sector experts Ceeda, more than two in every five (44 per cent) childcare providers have seen their funding fall in in real-terms in the last five years. This has meant that funded places for two-year-olds – which are more expensive to run – have become too costly for providers already struggling to stay open and reliant on parents who are able to afford “voluntary” charges to make up the funding shortfall.”

It would seem premature to conclude that demand for Severndale Nursery will continue to reduce or that the needs of the majority of younger children with complex needs, can be met in their own community.

Summary

- **Shropshire SEND Families are clear that free SEND transport to nursery and Post 16 settings has been an essential element in enabling their child to receive the support they need and has made a positive contribution to their family’s ability to continue to operate. The proposed changes to Shropshire SEND Transport is highly likely to negatively impact the resilience of Shropshire families of disabled children and young people.**
- **SEND Families in general are known to be financially vulnerable and would face further financial hardship if additional transport costs were placed upon them. Since SEND families often have to travel further to nursery or Post 16 settings than none SEND families, these additional costs are likely to be higher than for families who do not support a disabled child.**
- **Many SEND families are financially vulnerable because they have reduced capacity for both parents to work due to the caring role. These proposed changes to SEND transport provision are likely to reduce parent carers capacity to work even further and place SEND families under further financial stress.**
- **Transport provision provides an element of independence for children and young people with SEND, reducing their dependency on their parent carers and providing a positive experience of developing relationships outside of their immediate family. The proposed changes to Shropshire SEND transport provision will take away this opportunity for many children and young people with SEND.**
- **In many cases SEND families have children that at different nurseries / schools, with children in both mainstream and specialist settings. In Shropshire because the main specialist nursery or Post 16 provision is in Shrewsbury only, the distance between these settings can be significant. The proposed SEND transport changes potentially make it physically impossible for parent carers to get all of their children to school as required.**
- **There is a national recognition that there is a legal loop hole in SEND transport legislation, that does not align with the required ‘participation’ age of 18, however equality duties do require disabled learners to be able to access education to the same extend as their non-disabled peers. These proposed changes to SEND transport provision in Shropshire place this equality at risk.**

- **The ESIIA Report produced by Shropshire Council fails to identify key issues facing Shropshire SEND families in relation to the proposed changes to SEND transport provision and is therefore incomplete. The decision that a 'Part One ESIIA Only' is required is not sufficiently evidenced and not accepted by PACC.**

PACC recognises that Shropshire Council is currently facing financial challenges and needs to consider all options to reduce expenditure. PACC however believes that the proposed changes to SEND transport is short sighted and while it might deliver a short term reduction in costs, in the long term it will decrease family resilience and reduce the independence of young people with SEND, meaning that they will need more support from services in the future.

Shropshire Council has shown a significant commitment to supporting SEND families in the past and PACC has acknowledge this positive approach to improving outcomes for children and young people with SEND. This approach is captured in the vision articulated in the Shropshire SEND Strategy;

Our vision sees Shropshire children and young people with SEND that are healthy, happy and safe, and able to achieve their full potential with support from a strong partnership between families, the voluntary sector and service commissioners.

<https://shropshire.gov.uk/committee-services/documents/s13829/9%20Appendix%20A%20SEND%20STRATEGY%202016.pdf>

It would be disappointing in the extreme if a change to service provision was introduced, that would so clearly reduce the opportunity for children and young people with SEND to achieve their full potential and which is so clearly not based in working in partnership with families.

PACC thanks all Shropshire parent carers who contributed to this response. If you have any questions about this documents please contact PACC via enquiries@paccshropshire.org.uk

Annex 1

Consultation on Shropshire SEN Transport – PACC Statement

Following the announcement by Shropshire Council that they intend to consult on changes to SEN Transport, including the removal of nursery transport and free Post 16 transport for new entrants, PACC want to hear your thoughts.

We want to know what difference the provision of free SEN transport to nursery or college made to your family. PACC recognises that there is no statutory requirement that Local Authorities provide transport for children and young people with SEND to nursery or Post 16 settings, however we believe not to do so is short sighted and a false economy. There is a significant level of evidence that families supporting children and young people with disabilities already face additional challenges around finances, work, relationships and physical and mental health, removing services will only increase those challenges and place families at greater risk of breakdown. This in turn places what are already often vulnerable children at further risk.

Shropshire Council's SEND Strategy states that its vision sees 'Shropshire children and young people with SEND that are healthy, happy and safe, and able to achieve their full potential with support from a strong partnership between families, the voluntary sector and service commissioners'. This potential reduction in support for families of children and young people with SEND is clearly in contradiction to achieving that vision.

In addition to this all Local Authorities have to operate under the 'Public Services Equality Duty' <https://www.citizensadvice.org.uk/law-and-courts/discrimination/public-sector-equality-duty/whats-the-public-sector-equality-duty> This means that public authorities must think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions about how they provide their services and implement policies.

PACC believes that it is incumbent on Shropshire Council to evidence that any decision to reduce the school transport budget will not disproportionately have a negative impact on disabled children and young people and their families. If they cannot do this PACC believes that they would be in breach of the Public Services Equality Duty.

PACC is requesting a meeting with Councillor Nick Bardsley, the Children Services Lead to discuss all of the above further

In preparation for this discussion we want to hear from Shropshire parent carers about the difference the provision of free school transport to nursery and Post 16 settings made to their families. PACC wants to show how important this service is to SEND families and how it contributes to improving outcomes for disabled children and young people and their families. You can send your feedback to enquiries@paccshropshire.org.uk or via our Facebook page @ShropsPACC . There will also be an opportunity to discuss this issue and provide feedback at our Conference and AGM on the 26th March 2019. You can find out more about the conference and how to book onto this event at

https://www.eventbrite.com/e/pacc-annual-conference-2019-life-as-a-parent-carer-tickets58072572628?fbclid=IwAR06ebl2kr_jdHBYGOQHm45Dbql7St2WvhHfulNh5cY53se9hykelwVBmng

Annex 2

Dear Councillor Bardsley

RE: Proposed Special Educational Needs Transport Consultation

We were interested to recently read in local newspapers about the proposed Special Educational Needs (SEND) Transport consultation by Shropshire Council. It was disappointing for PACC to hear about such a potential major change in provision in this way and as such we are requesting a meeting with yourself as soon as possible, to discuss this and its potential impact on families.

Our understanding is that the proposal includes;

- Removing transport for attending nursery settings for any new SEND families
- Introducing charges for Post 16 transport (SEND) for any new applications
- A public consultation during March/April

There are a number of issues that we would like to discuss with you including;

1. The consideration given by Shropshire Council to the Public Services Equality duty when agreeing to go to consultation on this proposal, including what evidence base you have for ensuring that families of disabled children and young people are not disproportionately impacted by this potential change in service provision? We have concerns about the Shropshire Council Equality and Social Inclusion Impact Assessment that we have seen for this service change.

2. How can PACC work with Shropshire Council to ensure that the consultation proposed is effective and meets the legal requirements. For example Section 19 of the Children and Families Act requires Local Authorities to specifically consult with children and young people with SEND and their families 'when reviewing educational, training and social care provision'. In addition to this the leading judgment regarding consultation is *R v North and East Devon Health Authority ex p Coughlan* [2001] QB 213, and the key principles for a lawful consultation are that:

- The consultation must be undertaken at a time when proposals are still at a formative stage

- meaning that the decision makers have an open mind about the final decision ;
- It must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response;
- Adequate time must be given for this purpose; and
- The responses to the consultation must be conscientiously taken into account when the ultimate decision is taken.
- In addition, where the public are consulted, the relevant documents must be available to all and in a language that is clear and easily understandable.

PACC is particularly concerned about the timing of the consultation if it is due to run in March / April since this includes a holiday period which would make it more difficult for SEND families to participate.

Enclosed for your information, is a statement from PACC that outlines our initial response to this proposed reduction in service for SEND families.

We hope to hear from you in the near future about the opportunity to meet.

Yours sincerely

Zara Bowden and Mike Thomas
Co Chairs
PACC