

## **Government consultation on home to school travel and transport: statutory guidance**

### **Response of the Association of School and College Leaders**

#### **A. Introduction**

- 1 The Association of School and College Leaders (ASCL) represents over 19,000 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of state-funded and independent schools and colleges throughout the UK. ASCL members are responsible for the education of more than four million young people in more than 90 per cent of the secondary and tertiary phases, and in an increasing proportion of the primary phase. This places the association in a strong position to consider this issue from the viewpoint of the leaders of schools and colleges of all types.
- 2 ASCL welcomes the opportunity to contribute to this consultation.

#### **B. Key points**

- 3 The provision of home to school transport is essential to enable some children and young people to access education, and to do so safely.
- 4 ASCL believes that having specific guidelines around transport for children with medical needs is needed, and welcomes this addition to the guidance. We would recommend expanding this guidance to include SEND issues such as children with autism, anxiety and mental health concerns that are not part of an EHCP, and to ensure that all invested parties are consulted in designing the travel plan to support children with complex needs. This could include, for example, seeking advice from expert clinicians to inform risk assessments.
- 5 It is crucial that school travel and transport is properly funded, and that investment is made in encouraging children to be independent. Consideration should also be given to the inclusion of young people in Post-16 education, to recognise the requirement for all young people to be in education or training until the age of 18.
- 6 ASCL members would like to see an improvement in the speed of response to requirements for transport over extended periods, particularly when this can be pre-empted. One of our members shared an example of a pupil who had a planned operation, following which transport would be required. The member was informed that the process would not start until after the operation, leading to a delay in the pupil accessing their education.
- 7 The lack of availability of SEND provision in many areas creates significant cost pressures, in both the cost of placements and in transport and assistance staff costs. This also leads to children being subjected to long daily journeys, which may negatively impact on their wellbeing.

## **C. Answers to specific questions**

### **Ease of use and understanding**

**Question 1a: Do you agree that the new guidance is clear and easy to understand?**

**Question 1b: Are there any areas of the revised guidance you believe could be further improved? If yes, please provide further feedback.**

- 8 The guidance is clear and easy to understand. It may need to be strengthened in some areas, such as providing more clarity to local authorities on supporting children with medical needs. See our response to Question 4 below for more detail on this.

### **Examples**

**Question 2a: Do you think the examples will help local authorities meet their statutory duties?**

**Question 2b: Please provide additional comments on any of the examples, ensuring you refer to the example to which your comment relates.**

**Question 2c: Are there any other areas in which you believe an example may be useful, or where you could possibly provide a further example? If so, please provide further information.**

- 9 ASCL agrees that the examples used, such as those around statutory walking distances, unsafe walking routes and extended rights, are clear, and should help local authorities in meeting their statutory duties. These examples will also be useful in helping parents and carers understand their entitlement to free transport to school.
- 10 However, we disagree that it is always appropriate to calculate the shortest distances using other routes other than roads, particularly in rural areas. It is paramount that consideration is given to the suitability and safety of the route all year round.
- 11 ASCL suggests providing an example or further information about putting in place risk assessments for children with medical needs or requiring other forms of support. This would help local authorities in ensuring that provisions are suitable, and appropriately documented and communicated.

### **The interaction between Universal Credit and eligibility for extended rights transport**

**Question 3: Are paragraphs 15-19 clear about the interaction between Universal Credit and extended rights? If not, please explain why.**

- 12 The section detailing extended rights for children eligible for free school meals or if a parent they live with receives maximum Working Tax Credit appears to be clear and understandable.

## **Children with medical needs**

### **Question 4: Do you agree this is an effective and proportionate approach to the management of children's medical needs on school transport?**

- 13 ASCL agrees that having specific guidelines around transport for children with medical needs is needed, and welcomes this addition to the guidance. This needs to include guidance on children with SEND such as those with autism, anxiety and ADHD, who may or may not have an EHCP. Other risks relate to children with complex mental health needs who may be at risk of harming themselves by, for example, opening the doors of a moving taxi. In the section regarding consulting with parents and schools, we recommend adding medical professionals. For medical needs we should also be guided by clinician's advice, for example from CAMHS.
- 14 Currently, risk assessments are made around decisions such as the need for escorts when children are travelling alone, but this is not always followed up with a written documented plan. Including this in the guidance will help. We are unsure about the likely success of providing drivers or escorts with training to deal with issues that arise, and would welcome further clarity on how LAs would check and enforce the suitability of this provision.
- 15 A further issue related to medical needs is the requirement under section 19 that LAs make provision available as soon as it is clear that a child will have missed school for fifteen days. Currently it can take up to four weeks to get transport arrangements in place. Given recent local government ombudsman rulings against LAs, we think it would be helpful to include in the guidance a reminder to LAs of their duty to put provision in place as soon as possible.

## **Local home to school transport policies**

### **Question 5: Do you agree that Part 4 and the checklist in annex 1 will help local authorities make sure their transport policies are lawful?**

- 16 The checklist in annex 1 appears to be helpful. We are not able to comment on whether the contents are sufficiently comprehensive to ensure that local authority transport policies are lawful.

## **Public Sector Equality Duty**

### **Question 7: Do you agree that the proposed changes will not have a negative impact on any children with one or more of the relevant protected characteristics outlined in the Equality Act? If not, please explain why.**

- 17 We welcome this guidance and the statutory requirement on local authorities to consider individual circumstances differently. However, effective local action depends on the interpretation of this duty. The guidance would benefit from the inclusion of case studies that clarify expectations. For example, we are aware of examples where local authorities have used the distance criteria for children attending special schools rather than assessing on needs. This causes distress to families, fails to meet pupil needs and impacts negatively on both pupils and their families. This is not the interpretation of this duty that we would expect.

## **D. Conclusion**

18 I hope that this response is of value to your consultation. ASCL is willing to be further consulted and to assist in any way that it can.

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