

## SEND Home to School Support with Travel Policy 2022-23 Consultation Responses

Question	Feedback	Response
I am a:	100% Parent/Guardian	No response required.
The SEND Home to School Travel Policy is accessible. The language is clear, concise and simple	85.7% Agree 14:29% Neither Agree nor disagree	No response required.
It is clear how the policy relates to me/my child/ the children and young people I work with	100% Agree	No response required.
When there is a change in circumstance e.g. moving house, a change in passenger assistant etc. it is clear what needs to happen next and who is responsible for this	85.71% Agree 14.29% Disagree  Comments: Moving house yes, change in passenger assistant, no	Appendix B – ‘ <i>Frequently Asked Questions</i> ’ details information around what will happen if a Driver, or Passenger Assistant is taken unwell and therefore cannot carry out their normal work that day. It also states that it is encouraged that parents/guardians communicate with each other to ensure the best experience for the child/young person. If there are concerns regarding passenger assistants, the Policy states that the following email address can be contacted: <a href="mailto:passengerassistant@swindon.gov.uk">passengerassistant@swindon.gov.uk</a>
I agree with the proposed Home to School Travel Policy	85.71% Yes 14.29% No  Comments: It doesn't cover a handover plan of children with complex needs. With children who can't communicate with extensive medical needs, should there be a cover escort and then a medical emergency on board the replacement escort doesn't know the children or medical needs and if a medical emergency occur they do not know the children or their medical needs. Should they be lucky enough to have a piece of	The policy sets out the parameters for decision making in relation to travel assistance for pupils with SEND to and from their home and school.  The comments from the consultation will be incorporated into the procedures that deliver the policy and be added to the Frequently Asked Questions which are a live document as an appendix to the policy. A review of SEND Transport has recently been completed with engagement from the parent carer forum and the areas raised are addressed under a strengthened risk assessment process..

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	<p>paper with a list of names and medical needs- which is rare- how do they know they have the right child, contacted the right parent and given the right information to the ambulance service of the children are unable to communicate their name and they don't know the children. It would then be the parent turning up to the hospital to find it is not their child it is another child who is on the bus. For the safety all children should have a picture with their name, medical needs and allergies to help identify the children to new escorts or cover escorts to avoid any misidentification of children should they need emergency medical treatment or contacting the right parent if a child becomes distressed.</p> <p>This policy doesn't cover what as parents the Council expect from escorts, for Example a formal handover and if needed meeting the children prior to school collection so the escorts can understand each medical/learning disability and reduce any children's anxieties.</p> <p>It doesn't cover wheelchairs, who parents should contact should their child be in a wheelchair and it needs to be assessed to ensure it complies with the correct regulations and that there is correct securing straps available prior to first collection.</p> <p>It doesn't cover the storage of equipment when transporting it to and from school, eg, suction machines, feeding machines, oxygen cylinders.</p>	
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	Wheelchairs are not crash tested with equipment swinging on the back of wheelchairs and having spoken to the companies and regulatory bodies all equipment should be secured properly off the wheelchair to ensure that they are not projected forward should there be an emergency stop or accident which could dislodge them causing further injuries. This is something the is not currently happening on buses.	
How did you hear about the SEND Home to School Travel Policy consultation?	85.71% Swindon SEND Families Voice 14.29% Social Worker	No response required.

### Responses provided via email (as opposed to survey completion)

Policy Section & Detail	Feedback	Response
<p>2.4.4 Special Educational Needs (SEN), disability, mobility or medical condition</p> <p><i>The eligibility for children with SEN, disability, mobility or medical condition who cannot reasonably be expected to walk to school is assessed on an individual basis and it includes the following:</i></p> <ul style="list-style-type: none"> <li>- <i>The child must be attending the nearest appropriate school as determined by the Council</i></li> </ul>	<p>I've looked at the IPSEA guidance around this and it suggests that</p> <p>"The LA has a...</p>	<p>Section 7 – 'Complaints and Appeals' of the SEND Home to School Support with Travel Policy 2021-22 details a thorough process by which Parents/Guardians can follow if they wish to complain/appeal against a decision. It is not proposed that any changes will be made to the 2022-23 policy in this regard.</p>

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	<p>conditional duty to name the parents' choice of school unless one of the conditions in section 39(4) CAFA 2014 applies. Where an LA is saying a parent has to pay for transport, they are arguing that it would be an inefficient use of resources for the LA to fund this – therefore the parents' preference is dislodged under section 39(4)(b)(ii).</p> <p>The relevance of this to transport arrangements was established in <a href="#"><i>S. and Another v Dudley Metropolitan Borough Council</i></a> [2012] EWCA Civ 346, in which the Court of Appeal approved the analysis which must be applied in cases where the LA argues that there is a nearer suitable school.<sup>5</sup> Please note this is only relevant where the LA is comparing two <u>suitable</u> schools. If the nearer school is not suitable, then cost is not relevant. The analysis is as follows:</p> <p>(1) The first stage is for the LA, or First-tier Tribunal (Special Educational Needs and Disability) ("the <b>SEND Tribunal</b>") on appeal, to determine the relative transport costs to School A (the LA's preference) and School B (the parents' preference), assuming the LA will have to provide transport to either.</p> <p>(2) If the LA, or SEND Tribunal on appeal, determines that the cost of transport to School B is <u>not</u> incompatible with the efficient use of resources, it must name School B and only School B, even if School A is also deemed suitable.</p> <p>(3) If the LA, or SEND Tribunal on appeal, determines that the cost of transport to School B <u>is</u> incompatible with the efficient use of resources then it may name School B as well as School A in the EHC plan, on the condition that the parents pay the cost of transport to School B.</p> <p>The above analysis must be applied before an LA can lawfully relieve itself of the duty to provide home to school transport.</p> <p>This is quite a high bar and I'm not sure it's fully reflected in the policy wording. In the situation that a parent had appealed for a further away school that the LA wanted to place in, and the result of that appeal was that the LA conceded – then I believe case law shows that the only relevant remaining factor is need?</p>	
<p>2.4.4 Special Educational Needs (SEN), disability, mobility or medical condition</p> <p><i>The child's case will be reviewed on a</i></p>	<p>Could the policy include how often this happens?</p>	<p>The child/young person's eligibility for travel assistance will be reviewed at each Annual Review. Following the recent SEND</p>

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<i>regular basis and up to date information on their medical condition will be required at each review.</i>		Transport Review, it is planned that the Annual Review paperwork will be updated to ensure a more detailed conversation takes place regarding travel assistance to ensure the child/young person's needs continue to be met, whilst working towards positive outcomes.
2.1 All eligible children are entitled to free travel assistance to/from school at the beginning and end of the normal school day	Highlighted amendment required.	This amendment will be made to ensure a consistent message throughout the Policy.
Eligibility for those on benefits	This needs to be added into the Policy.	<p>The following wording has been included in the 2022/23 Policy:</p> <p><b><i>Education and Inspections Act 2006</i></b></p> <p><i>The Education and Inspections Act 2006, provides extended rights for students from low income groups.</i></p> <p><i>Low income groups are identified as where the student is entitled to free school meals or where the parents receive the maximum Working Tax Credit. Entitled groups are as follows:</i></p> <p><i>a. Students aged between 8</i></p>

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		<p><i>and 11 years old – where the nearest school is beyond two miles</i></p> <p><i>b. Students aged between 11 and 16 who:</i></p> <p><i>i. Attend one of the three closest Secondary Schools to their home address where their home to school distance is between two and six miles or</i></p> <p><i>ii. Attend the nearest suitable school preferred on the grounds of religion or belief, where they live more than two miles, but no more than 15 miles from the school</i></p> <p><i>The LA may review all eligibility for travel assistance on a yearly basis. If the student is no longer eligible to travel assistance on these grounds, then the travel assistance will be withdrawn.</i></p>
Safe Walking Routes are not mentioned		The following wording has been added to the 2022/23 Policy:

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		<p><i>Transport is assessed for a safe walking route using 'Assessment of Walked Routes to School Guidelines' published by Road Safety GB which identifies hazards and the assessment of risk of walked routes to school.</i></p> <p><i>As it is the duty of parents to ensure that students attend school, the law on safe walking routes assumes that a responsible adult will accompany students to and from school.</i></p> <p><i>A safe route will be on footpaths along the majority of its length. Short sections of road with a speed limit of 30mph, or less, may be acceptable, subject to assessment.</i></p> <p><i>Crossings of major routes, including all routes with a speed limit more than 30mph, will either be by controlled crossing or by under-or over-pass. This can legitimately involve a diversion or even doubling back on route, but any additional distance will be included in the route measurement.</i></p>
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		<p><i>In determining the entitlement to free travel assistance, the route used in assessing the distance is the shortest safest available walking route in accordance with National Road Safety Guidance.</i></p> <p><b>Primary School Aged Students</b></p> <p><i>Travel assistance, can be provided, on road safety grounds, if the journey to the designated appropriate school would involve the use of roads without footpaths or lighting</i></p> <p><b>Secondary School Aged Students</b></p> <p><i>There are a number of criteria that need to be met for Secondary School students to receive travel assistance on road safety grounds. The following criteria are based on the expectation that parents will accompany their children to and from school where they consider it necessary:</i></p> <ul style="list-style-type: none"> <li><i>a. There is no footway or;</i></li> <li><i>b. Students have to walk along a dual carriageway with a speed limit of 40mph or higher, and they</i></li> </ul>
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		<p><i>have to cross a dual carriageway and there is no safe crossing point available. A safe crossing point is defined as one of the following:</i></p> <p><i>Light operated crossings</i>  <i>Zebra crossings</i>  <i>Pedestrian refuge</i>  <i>Foot Bridge</i>  <i>Underpass</i>  <i>School crossing patrol in operation</i></p>
<p>2.4.4 Special Educational Needs (SEN), disability, mobility or medical condition</p> <p><i>The child's case will be reviewed on a regular basis and up to date information on their medical condition will be required at each review.</i></p>	<p>"The child's case will be reviewed on a regular basis and up to date information on their medical needs will be required at each review. If there has been a significant change in their presentation this would need to come from a medical professional."</p>	<p>This proposed wording has been accepted and incorporated in the 2022-23 Policy.</p>
<p>2.4.6 Exclusions</p> <ul style="list-style-type: none"> <li><i>to attend extra-curricular activities,</i></li> </ul>	<p>If a child requires transport to and from school as a result of their SEND and they are unable to attend extra-curricular activities/breakfast/after school clubs due to availability of transport would it not be discrimination on the basis of disability and should a reasonable adjustment not be made and considered on an individual basis?</p>	<p>Reasonable adjustments are always considered as part of the risk assessment. Discussions would take place with parents as to the best form of transport to meet this requirement.</p>
<p>2.4.6 Exclusions</p> <p>Last bullet point</p>	<p>After school activities is mentioned in the 4<sup>th</sup> bullet point.</p>	<p>School activities are mentioned in the 4<sup>th</sup> bullet point. This suggested</p>

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<ul style="list-style-type: none"> <li>at a differing time due to detention or after school activities.</li> </ul>		change in wording will therefore be accepted and change made.
<p>3.2.1 Personal Travel Budgets</p> <p><i>A Personal Travel Budget is a sum of money provided to parents or carers of children with SEN who are eligible for travel assistance.</i></p>	Is the just for SEN or does it include Disability as well?	This should be SEND. The Policy will be amended where relevant, to ensure this is consistent throughout.
<p>3.2.3 Provision of Passenger Assistants</p> <p><i>This determination will be made by the SEND Service in liaison with the Passenger Transport Team taking into account:</i></p>	Does there need to be health involvement in this decision for the complex medical needs other than just a report/IHCP?	There will be health expertise through a multi-agency panel when appropriate as part of the operational procedures in place.
<p>3.2.3 Provision of Passenger Assistants</p> <p><i>A student's medical needs, particularly where rescue medication</i></p>	<p>"Where rescue medication <b>or emergency intervention</b> is required"</p> <p>(for example suctioning wouldn't be a medication; not all seizures would have rescue medication and might just require first aid e.g. recovery position and ambulance)</p>	This proposed wording has been accepted and incorporated in the 2022/23 policy.
<p>3.2.3 Provision of Passenger Assistants</p> <p><i>student's individual health care plan should be provided clearly stating:</i></p>	<p>I have a lot of questions/concerns about this section that I think this needs a conversation and the Council need to work out together in terms of process, what is needed and who is responsible.</p> <p>Does the IHCP template include the following information? This sounds to me like a risk assessment for transport rather than a health care plan.</p> <p>In particular clinical emergency plans (for example for epilepsy) would only include when to give the medical intervention from this list.</p> <p>It wouldn't be for the health professionals to say what the risk to other</p>	<p>Procedural Risk Assessments will be in place for children/young people identified as requiring. These Risk Assessments will capture any medical, or emergency interventions that are required.</p> <p>Where a child or young person has been identified as being eligible for transport, medical professionals should include any</p>

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	<p>passengers on the vehicle would be.</p> <p>Whose responsibility is it to complete this IHCP? I wouldn't be expecting health professionals to complete different plans for home, school and transport. I would expect them to clearly outline the needs and any different consideration in each environment within one plan.</p>	<p>recommendations in respect of this in their medical advice towards the statutory assessment or Annual Review.</p>
<p>3.2.3 Provision of Passenger Assistants</p> <p><i>Passenger Transport Assistants will only deliver medical interventions that they have been trained to carry out by a registered health care professional.</i></p>	<p><i>"Trained <b>and deemed competent</b> to carry you..."</i></p> <p><i>For the most part it would be registered but there might be some instances where a HCA can provide training and they are not registered. Can the Council just say health care professional?</i></p>	<p>This proposed wording has been accepted and change has been made in the 2022/23 policy.</p>
<p>6.1 Application for Support with Travel</p> <p><i>If the child uses a wheelchair or buggy, or needs to carry equipment, such as oxygen, medication, walking aids, etc. the Council will need to know the details (including make and model of any wheelchair or buggy) to help assess the most appropriate form of travel assistance.</i></p>	<p>Does there need to be mention of risk assessments with medical equipment – just thinking of the recent oxygen example. I couldn't see it mentioned elsewhere in the policy</p>	<p>Procedural Risk Assessments will be in place for children/young people identified as requiring this. These Risk Assessments will capture any medical, or emergency interventions that are required.</p>