

## **Local Authority Home to School On-line Transport Policies: Accessibility and Accuracy**

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# Cerebra Legal Entitlements and Problem-Solving (LEaP) Home-School Transport Report

## Background of Cerebra & LEaP

In 2014 Cerebra, a unique charity set up to help improve the lives of children with neurological conditions, endowed a research Chair in Law to support disabled children and their families experiencing difficulties in accessing their statutory entitlements to care and support services. The project is now based at the School of Law, Leeds University<sup>1</sup> where the research programme is titled the Legal Entitlements and Problem-Solving (LEaP) Project.

Requests for advice and support are received and assessed by Cerebra staff, and those cases that meet our eligibility criteria are referred to the Project Team for consideration. We listen to families and help them get the knowledge they need to access health, social care and other support services. We identify the common legal problems that prevent families getting access to services and we develop innovative ways of solving those problems. A key approach to tackling a commonly occurring problem is to commission a research project which benefits from the School of Law's excellent student '*pro bono*' researchers. We aim to reach as many families as we can by sharing our solutions as widely as possible.

As well as helping individual families, the Project generates vital information for the wider programme. The research aims to improve our understanding of the difficulties faced by families in accessing support services and learning how these problems can be resolved effectively. The team uses the research data (which is held securely and anonymised) to study practical problem-solving techniques and identify which approaches work best, with a view to refining the way we provide advice and disseminate good practice findings for the wider public benefit.

One commonly occurring problem families encounter concerns difficulties in obtaining suitable local authority provided home to school transport. This is a problem that has been highlighted by other organisations,<sup>2</sup> including a specific 'focus report' in 2017 by the local government ombudsman.<sup>3</sup> Nevertheless, so prevalent were the requests received by the Cerebra based LEaP team, that it was decided that this topic should be the subject of a specific 'problem solving' research. The student research team at the School of Law Leeds University has undertaken this project.

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<sup>1</sup> Initially the research project was based at the Law School Cardiff under the direction of Cerebra Professor Luke Clements. The project moved, with Professor Clements to the School of Law Leeds University in 2016.

<sup>2</sup> See for example Burns, J *School transport cuts causing 'distress and upheaval'* (BBC 17 March 2017) and '*I can't afford disabled son's school taxi*' (BBC 17 March 2017) and Contact-A-Family *School transport inquiry* (2017).

<sup>3</sup> Local government ombudsman *All on board? Navigating school transport issues* (LGO 2017); summary contained in Annex 4.

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## Executive Summary

Between November 2016 and January 2017 student volunteers at the School of Law analysed the websites of 71 English local authorities to assess the accuracy and accessibility of their information concerning the right of disabled children to free (local authority funded) home to school transport.

- Almost half of the sites were considered difficult to understand and/or to navigate (para 4.07);
- Almost half of the sites failed to include mention of one of the four statutory categories<sup>4</sup> of eligible children (para 4.09);
- Almost one in ten of the sites failed to mention the category relating to children with Special Educational Needs (SEN), mobility or disability problems and of those that did, 14% referred only to those with SEN (hence excluding children with a disability or mobility problem) (para 4.09);
- Four out of ten sites failed to provide information as to how an application could be made for supported school transport (para 4.13);
- Almost four out of ten sites ‘failed make it clear that children who *cannot reasonably be expected to walk* to school because of their SEN, disability or mobility issues are entitled to transport’ (para 4.10);
- In many sites reference was made to non-statutory (arguably unlawful) local criteria including (para 4.10):
  - ‘parents are expected to drive children who have a temporary medical condition to school...’
  - such children ‘will be considered’ and are not ‘entitled’;
  - ‘mobility issues must be ‘significant, long-term and severe’;
  - ‘that pupils with a statement of SEN/EHC plan must make their own arrangements to school’;
  - ‘pupils with SEN attending mainstream school are not entitled to transport’.
  - ‘an EHCP is required to be entitled to transport’;
  - ‘certain long term disabilities [will be considered]’;
  - ‘firstly, parents should look for help from family members and neighbours’;
- Over half of the policies failed to make clear that children with SEN, disability or mobility problems would be assessed on an individual basis (para 4.11);
- Over one in ten sites failed to include information on how to appeal or complain about school transport. (para 4.14);
- The length of local authority policies varied widely, with the shortest at just two pages and the longest at 69. Over a third were in excess of 20 pages and (almost) half of these contained no summary (para 4.05);

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<sup>4</sup> See para 2(a) above.

## 1. Introduction

### *Why home to school transport?*

- 1.01 The Cerebra Legal Entitlements and Problem-Solving (LEaP) Project helps families of children with brain conditions cope with the legal barriers they face. Cerebra, a unique charity set up to help improve the lives of children with neurological conditions, provides technical support and funding for the LEAP research programme which is based at the School of Law, Leeds University. Cerebra has an in-house research and advice team. This team provides support to families including advice concerning commonly occurring legal problems they encounter in accessing health, social care and some education needs. Where the Cerebra in-house research and advice team encounter a specific problem area that many families are encountering throughout England and/or Wales, it is referred to the LEAP project to see if more detailed research will identify the cause of the difficulty and potential systemic remedies.
- 1.02 Access to free (local authority funded) home to school transport for disabled children is one such problem: such transport is a crucial service for disabled children and their families. Referrals to the Cerebra in-house advice team concerning difficulties with school transport have been one of the most common problems it has encountered, amounting in 2015 to 17% of all cases, rising to 19% in 2016. Discussions with other charities providing advice for disabled children and their families indicated that they too had identified this issue as a particular problem area. Preliminary analysis of the websites of a number of local authorities revealed that much of the information they presented was difficult to understand and/or incompatible with the relevant legislation. Student volunteers were therefore asked to conduct a review of a sample of local authorities' online transport policies to assess the extent of the problem.

### *Law and social context*

- 1.03 Local authorities in England have a duty under section 508(B) and Schedule 35B of the Education Act 1996 to provide transport for children 'who cannot reasonably be expected to walk to school due to their special educational needs, disability or mobility problems'. The statutory guidance<sup>5</sup> states that local authorities need to consider whether a child could reasonably be expected to walk if accompanied and, if so, whether the child's parent(s) can reasonably be expected to accompany the child. In determining eligibility, local authorities are required to consider a range of factors, including the age of the child and whether one would ordinarily expect a child of that age to be accompanied.

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<sup>5</sup> Department for Education, *Home to school travel and transport guidance: statutory guidance for local authorities*, July 2014

1.04 Cases referred to the LEaP Project have concerned a range of difficulties that families experience in obtaining suitable school transport, including:

- the unsuitability of an individual's transport arrangements (for example, due to journey length, stress, noise levels, changes in the ratio of escorts to pupils, changes in the mode of transport etc.);
- the refusal to provide transport for children with disabilities or special educational needs who live within the statutory walking distance<sup>6</sup> of their school;
- inadequate driver and escort training;
- late arrival at school as a result of reconfigured routes;
- a failure to provide transport to a school named in an individual's statement of special educational needs or Education, Health and Care plan;
- the withdrawal of transport at short notice by transport providers on the grounds of a child's challenging behaviour;
- delays in making alternative transport arrangements.

1.05 The most common problem referred to the LEaP Project has been the refusal to provide transport for children with disabilities or special educational needs (SEN) who live within the relevant statutory walking distance<sup>7</sup> from their nearest suitable school.

1.06 Some of the ways in which local authorities have misinterpreted their statutory duties (more particularly described in Annex 2 below) include:

- imposing a 'blanket ban' on the provision of transport for any child who lives within walking distance of their nearest suitable school (regardless of their ability to walk to school - alone or accompanied);
- excluding any reference in their transport policies to children who are eligible for transport under the Education Act 1996 (i.e. because they cannot reasonably be expected to walk to school, due to their special educational needs, disability or mobility issues);
- providing transport on a discretionary basis, rather than as a statutory entitlement;
- providing incorrect information to parents of disabled children as to their rights;
- requiring parents who have access to a vehicle to drive their children to school;
- poor communication issues between LA's and parents;
- expecting families to use disability benefits to cover transport costs.

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<sup>6</sup> In England, the walking distance is 2 miles for children aged under 8 and 3 miles for children aged 8 and over.

<sup>7</sup> These cases have been anonymised.

## 2. Summary of the law

2.01 The Education Act 1996 is the primary legislation that governs home to school transport duties in England. Section 35B identifies four categories of children who are entitled to free transport, they are:

- Children who live outside the 'walking distance';<sup>8</sup>
- Children from low income families;
- Children who cannot reasonably be expected to walk to school because of the nature of the route; and
- *Children who can't reasonably be expected to walk to school because of their special educational needs, disability or mobility problems.*

2.02 It is the fourth category with which this report is most concerned: where because of a child's special educational need (SEN), disability or mobility problem they cannot *reasonably* be expected to walk to school.<sup>9</sup> Although 'reasonable' is not defined in the Act, guidance has stressed that all children must be assessed on an individual basis<sup>10</sup> - which means that rigid 'blanket' policies are not permitted. Examples encountered by the LEaP Project of where it may be unreasonable for a child to be expected to walk unaccompanied or otherwise might include where the child concerned:

- experiences physical pain or has difficulty walking long distances;
- has bladder or bowel problems;
- is vulnerable or unable to understand dangers;
- is unable to negotiate the route to school because of busy/difficult routes;
- has unpredictable behaviour

2.03 When considering the 'reasonableness' of this expectation, authorities are entitled to consider whether the child could walk to school if accompanied by a parent. The guidance states that a parent is generally expected to accompany their child to school 'unless there is good reason why it is not reasonable for a parent to do so'.<sup>11</sup>

Circumstances encountered by the LEaP Project of where it may be unreasonable for a parent to accompany their child to school can include:

- a parent may be unable to ensure the safety of a child who has unpredictable or challenging behaviour;

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<sup>8</sup> The walking distance is 2 miles for children under the age of 8 & 3 miles for children aged 8 and over see Section 444(5) of the Education Act 1996.

<sup>9</sup> Other criteria such as must be of compulsory school age, be within the walking distance and attend the nearest qualifying school must be met. For further detail on Home to School Transport law please see [Cerebra's Guidance](#).

<sup>10</sup> [Department for Education, 'New home to school transport & travel guidance' \[2014\] part 4](#)

<sup>11</sup> Department for Education, Home to school travel and transport guidance: Statutory guidance for local authorities, July 2014, paragraphs 17 & 18.

- a parent may have a disability which prevents him/her from walking a child to school;
- the parent's journey to and from school could take an unreasonable amount of time;
- the child's siblings may need to be taken to different schools;
- the child's siblings may have to be left at home unattended before and after school if a parent has to accompany the child to school.

2.04 The Guidance states in addition that an assessment of 'reasonableness would also consider 'the age of the child and whether one would ordinarily expect a child of that age to be accompanied'.<sup>12</sup> For example if the child is 15, the question to be asked is 'would it be reasonable to expect a parent to accompany their 15 year old child without a disability to school? If the answer is no, then it would be discriminatory to expect a parent to accompany their 15 year old simply because they had a disability.

2.05 In interpreting the statutory provisions, other relevant legal considerations include:

- 'Disability' as a wide concept, including in addition to physical impairments, mental impairments and illnesses;
- Local authority policies cannot impose additional (or more demanding) requirements beyond those detailed in the legislation;
- It is not a prerequisite for a child to have a Statement of SEN or Education, Health & Care Plan.
- Parents should not be required to use DLA (Disability Living Allowance) to pay for the school transport required by the disabled child;
- Evidence from professionals may support a transport application but is not a legal requirement.

Detailed information on the rights of disabled children to free home to school transport in England is provided in the [Cerebra's School Transport: A Guide for Parents](#).<sup>13</sup>

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<sup>12</sup> Department for Education, Home to school travel and transport guidance: Statutory guidance for local authorities, July 2014, paragraphs 17 & 18.

<sup>13</sup> Cerebra *School Transport: A guide to Parents in England* (2016) at <http://w3.cerebra.org.uk/help-and-information/guides-for-parents/school-transport-a-guide-for-parents-in-england/>



### 3. Methodology - overview

- 3.01 The research study focused on children of compulsory school age<sup>14</sup> within English local authorities. Welsh authorities were not analysed due to time constraints and the difference in the applicable law. Authorities were chosen at random, selected from lists designed to provide a geographical mix that included Unitary authorities, County Councils, Metropolitan and London boroughs. 71 authorities were surveyed which represents almost 47% of the 152 English authorities with school transport responsibilities. The same questionnaire was applied to each authority.
- 3.02 The questionnaire largely consisted of a series of closed-ended / quantitative questions. Where relevant these questions were followed by a supplementary open-format 'comment box' enabling the students to express an opinion and capture qualitative data. A copy of the questionnaire can be found in Annex 1.
- 3.03 The Local Authority websites were analysed between November 2016 and January 2017. There were 12 student volunteers, 10 of whom were Undergraduate and two Postgraduate students. Three students had English as a second language. The students worked in three groups that were each randomly assigned six websites to review.
- 3.04 The students had three training sessions concerning local authority legal duties to provide school transport as well as key issues that should be included in any policy. A sample website was used to familiarise the students with the key criteria that should be located in a Home-school transport policy. The purpose of this basic training was to equate their knowledge to that of a parent rather than a lawyer. The training was done to ensure a consistency of approach to the use of the questionnaire – but it had the inevitable distorting effect of familiarising the students with the law and the required information resources. Accordingly, it is reasonable to assume that they would have had more legal knowledge than many families: i.e. a greater awareness of what information authorities should provide (and the format in which it should be made available).
- 3.05 The questionnaire was informed by a range of issues that the Cerebra LEaP Project had encountered concerning school transport issues over the previous 2 years. In particular, it was designed to obtain qualitative and quantitative data as to whether the LA policies:
- were easily accessible for parent carers;
  - were up-to-date and accurately reflected the current law
  - were concise, user friendly and easy-to-understand;
  - explained in simple terms the correct groups of children entitled to free home to school transport;
  - imposed additional – non-statutory - eligibility criteria;

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<sup>14</sup> 5-16 year olds.

- provided information as to how to apply for transport support and how to challenge a refusal to provide such support;

3.06 The students who completed the surveys were also asked to write a one-paragraph reflection piece on how they found the experience of attempting to access the relevant information. These can be found in Annex 5.

3.07 Although the students were allocated a total of 71 council websites to analyse the overall reporting sample varied for the following reasons:

- three website were considered to be completely inaccessible as a transport policy could not be found;
- one website required an account to be created before access was granted which was not feasible in this study;
- five of the remaining (67) websites failed to contain an actual transport policy - merely providing a summary of the law and entitlements to school transport;
- in a further four of these remaining (67) websites' policies could not be found by 'clicking' on links and students had to resort to Google or to the use of search bar tools. For the purpose of the survey, this failure was scored as 11 clicks (i.e. twice the average for the sites that could be found by the students using links).

## 4. The research findings

### *Accessibility – identification i.e. ‘clicks’*

- 4.01 Notwithstanding the wide range of functions discharged by local authorities, categorisation studies suggest that large scale websites can (and should) have a navigation structure that limits the number of levels that site visitors have to work their way through;<sup>15</sup> that if ‘users are forced to click through more than four or five levels, they may simply give up’.<sup>16</sup> Students were not instructed on the intricacies of website hierarchical navigation systems, or the various mechanisms that can be used to make sites accessible (such as drop-down menus, cascading menus and the like) or inaccessible labyrinths. The questionnaire simply posed a series of questions designed to obtain their objective and subjective views on site accessibility.
- 4.02 The number of ‘clicks’ that students had to use in order to identify the ‘home to school transport policies’ on local authority websites was on average 5.5,<sup>17</sup> suggesting that the majority of sites were inaccessible on the basis of ‘Information Architecture’ studies’.<sup>18</sup> (in addition, in four other cases the policies had to be found using ‘Google’ and/or the search bar tools - see note at para 3.07 above).
- 4.03 In four cases<sup>19</sup> the relevant policies could not be accessed at all.

### *Accessibility - policy length*

- 4.04 Three sites<sup>20</sup> did not have an accessible home to school online transport policy, one could only be accessed via an account and five others merely contained summaries rather than a full policy. The following results are therefore based on a sample size of 62. The total length of these policies amounted to 1,187 pages, ranging from 2 pages to 69. The average length of the policies analysed was 19 pages.
- 4.05 There does not appear to be a consensus on policy length, however it could be argued that a policy could be condensed to no more than 10 pages which 26% of LA’s managed in our survey. However, 39% of websites had policies that were 20 pages or longer, including 18% of those which were 30 pages or more, making the task of accessing basic legal rights information more arduous. If a summary that detailed the basic principles of the policy was available, this could assist parents on how to find out more information. Although 55% of LA websites offered such a summary, unfortunately, 45% relied on the policy alone.

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<sup>15</sup> See for example Lou Rosenfeld and Peter Morville *Information Architecture for the World Wide Web: Designing Large-scale Web Sites* (O’Reilly Media 1998).

<sup>16</sup> Peter Morville *Information Architecture on the World Wide Web* (1998) p35

<sup>17</sup> n = 67: the variation being from 2 to 11.

<sup>18</sup> Ibid.

<sup>19</sup> N = 71: i.e. 4.2% of the sample.

<sup>20</sup> N = 71 i.e. 4% of the sample.

4.06 Students commented that long and ‘drawn out’ policies made it difficult to identify relevant information. Students also referred to the time-consuming and tedious nature of reading these long policies and suggested that parents of disabled children might have difficulty in committing the same amount of time and energy, given their caring responsibilities.

#### ***Accessibility – comprehensibility*** (sample size 62)

4.07 The survey asked students to examine the ‘user-friendliness’ of the policies examined. The quantitative data gathered showed that almost half (48%) of policies were not considered to be user friendly.

4.08 Those that were viewed in a positive light were noted as being ‘straight-forward’ with ‘no legal jargon’ and were ‘brief’. Other characteristics included the use of an index, quick links, brochure style or Q&A format, and those with separate sections for each category. Similar themes arose in the remaining policies that were considered not to be user friendly, such as being ‘too long’, ‘too complex’, ‘too much information’, too much ‘legal jargon’ and over reference to ‘statute’. Other comments mentioned confusing introductions, the difficulty in finding information, unnecessarily drawing on case law, the absence of structure – i.e. no bullet points and un-inviting long black and white pdf. text with confusing language.

#### ***Legal content – all legal rights covered*** (sample size 62)

4.09 Almost half of the websites (48%) omitted at least one of the four categories of eligible children and almost one in ten (9%) failed to mention the category relating to children with SEN, mobility or disability problems. Of those that did mention this category, 14% referred only to children with SEN hence excluding those who lacked SEN but had a disability or mobility problem.

4.10 Under the question ‘does the policy make it clear that children who *cannot reasonably be expected to walk* to school because of their SEN, disability or mobility issues are entitled to transport’ it was found that 39% of policies did not make this right clear - with comments referring to restrictive and or extra criteria including :

- ‘parents are expected to drive children who have a temporary medical condition to school’ ;
- such children ‘will be considered’ (rather than being “entitled”);’
- ‘mobility issues must be ‘significant, long-term and severe’;
- ‘that pupils with a statement of SEN/EHC plan must make their own arrangements to school’;
- ‘pupils with SEN attending mainstream school are not entitled to transport’;
- ‘an EHCP is required to be entitled to transport’;
- ‘certain long term disabilities [will be considered]’;

- ‘firstly, parents should look for help from family members and neighbours’.

4.11 Moreover, despite clear legal requirements under section 508(B) and Schedule 35B of the Education Act 1996 and para 16 of ‘the Guidance’,<sup>21</sup> in over half of the research sample (53%) it was not apparent that children with SEN, disability or mobility problems would be assessed on an individual basis. Considering the fact that eligibility for transport of children with SEN, disability or mobility problems depends on the individual circumstances of the child and parent, individual assessments are essential.

4.12 These findings confirm the concerns identified by the LEaP Project and other bodies:<sup>22</sup> that many local authorities are not assessing eligibility based on the law and guidance. Instead, their staff appears to be guided by incorrect information as to individual rights; by policies that exclude references to the SEN, mobility and disability category; by an expectation that parents will drive their children to school; and by the notion that such support is merely ‘discretionary’.

#### ***Details of how to apply and appeal*** (sample size 67)

4.13 40% of websites failed to provide any (or sufficient and/or comprehensible) details as to how an application for free school transport could be made. The fact that some local authorities had easily accessible application forms suggests that this is not difficult for local authorities to provide. This in turn calls into question why four out every ten authorities failed to have this facility.

4.14 Almost a fifth of sites (18%) failed to provide details of how a refusal of school transport support could be challenged, although of those sites that did contain this information, student researchers commented that some appeared outdated, with many local authorities requiring appeals to be sent by post.

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<sup>21</sup> [Department for Education, Home to school travel and transport guidance: Statutory guidance for local authorities, July 2014, paragraph 16.](#)

<sup>22</sup> As discussed in paras 1.04, 1.06 and in Annex 2, 3 & 4.

## 5. Conclusions and recommendations

- 5.01 The research has identified widespread and serious legal failings by local authorities. It is not unreasonable to suggest that this is, at the very least, reckless: in the sense that it is probably cost effective not to provide clear and concise information as this will deter families' from accessing their statutory entitlements. The separate evidence provided by the LEaP Project, other charities and the local government ombudsman, does not allay this troubling possibility.
- 5.02 Students were able to identify several websites that they considered to be succinct in some areas, but failed to identify websites that 'ticked all the boxes'. Some policies contained accurate statements as to the law, but were hidden within lengthy unfriendly documents; whereas others had clear and concise application forms, but failed to identify all groups of eligible children. This (and the several excellent guides issued by organisations such as Cerebra and Contact-a-Family) suggests that developing a user-friendly resource is not an overly complex exercise. Given the number of complaints that have been made to the LEaP Project, the concerns of other charities involved in this field, the local government 2017 report together with the difficulties identified by this research, there would appear to be a need for central government action.
- 5.03 By way of an example: as a result of a referral, LEaP made a formal complaint to an authority and in due course it conceded that its policy and its decision were wrong and it agreed to provide the necessary transport. It also agreed to change the information on its website to reflect the correct legal position. However, the project then received another referral from a different parent in the same area. Once again, the authority conceded it was in error. Despite this, Cerebra received a further referral from the same area, suggesting that although their written policy had changed, their front line practices had not; that their forms had not and that their staff had not received training to change the way they implemented the law.
- 5.04 Addressing the problem therefore requires action to change entrenched local organisational practices and cultures. Despite the tenacity and best efforts of the Cerebra help-line – and of the other charities concerned about this issue – it has not proved possible to bring about 'across the board' organisational change.

### **The necessary remedial action**

- 5.05 The evidence provided in this report strongly suggests that many local authorities have failed to discharge adequately their statutory duties under the 1996 Act. The Secretary of State would appear to be under a public law duty to have regard to these findings and to consider taking action to address this failure. One material consideration would be the exercise of her default powers (for example under section 497 of the Education Act 1996). While the decision as to what constitutes appropriate remedial action is for the Secretary of State, it would appear that some

form of remedial action must be forthcoming. Revised central government guidance would also appear essential including, for example:

- The provision of an accessible template statement (to be used on all local authority website) as to the entitlements of children to free home to school transport;
- a requirement that blanket statements and restrictive criteria for children with SEN, mobility or disability problems be removed;
- a requirement that that all four categories eligible for free school transport should be detailed correctly in the policy and policy summary;
- a requirement that policies should avoid legalistic language, be written in easy to understand language, have an index and clear hyperlinked headings to help navigation;
- the provision of application and appeal forms;
- a requirement of regular staff training to ensure proper implementation and interpretation of the law in practice.

## Survey

### *School Transport Survey*

Name of Group \_\_\_\_\_

Name of Local Authority \_\_\_\_\_

Date \_\_\_\_\_

Q1. How many 'clicks' did it take to find the school transport information from \_\_\_\_\_ the LA's homepage?

Q2. How many pages long is the policy?

Q3. Is there a *summary* of the policy? (either on the web page or as a separate downloadable document)

*Yes / No*

*Webpage / Pdf.*

Q4. Is the information written in easy-to-understand language?<sup>23</sup>

*Comments*

<sup>23</sup> Note the user-friendliness of the policy



**Q.5 How many of the groups of 'eligible' children does the policy include?**

***Children unable to walk due to safety of the route***

***Children who cannot reasonably be expected to walk to school because of their special educational needs, disability or mobility problems***

***Children from low-income families***

***Children who live beyond the statutory walking distance***

**Q.6 Does the policy make it clear that children who cannot reasonably be expected to walk to school because of their SEN, disability or mobility issues are entitled to transport?**

***Comments***

**Q.7 Does the policy refer to all children with SEN, disabilities or mobility issues, or just to those with statements / EHCPs?**

***Comments***

**Q.8 Does the policy make it clear that children should be assessed on an individual basis to identify their particular transport requirements?**

*Comments*

**Q.9 Is there a clear explanation how parents can apply for transport?**

*Yes/ No*

*Comments*

**Q.10 Is there information on how to appeal / complain?**

*Yes/ No*

*Comments*

### LEaP Case studies

#### Cerebra's Legal Entitlements and Problem-Solving (LEaP) Project

Cerebra's Legal Entitlements and Problem-Solving (LEaP) Project focuses on cases which have the potential to affect a large number of families, with a view to disseminating the lessons learned and maximising the impact of our research. School transport has been one of the most common problems referred to the LEaP Project. In 2015, 17% of LEaP cases related to school transport, rising to 19% in 2016. The casework has shown that some school transport policies are incompatible with the relevant legislation, as a result of which children with disabilities or special educational needs are being denied their statutory right to transport assistance. Students participating in the Cerebra School Transport Research Project at the University of Leeds have therefore been asked to conduct a review of sample local authorities' online transport policies to assess the extent of the problem. Below are case studies based on referrals received by the Cerebra LEaP helpline.

#### Case study 1 – Mrs A, Mr B and Mrs C<sup>24</sup>

Mrs A<sup>25</sup> contacted the LEaP Project for advice about her 14 year old son, X, who has Down's syndrome and attends a school which is 2.7 miles from his home. A local authority in England had refused transport for X on the grounds that he lived within the statutory walking distance from his school. The council's policy stated that transport was not provided for children who had special educational needs (but not a statement) unless there were *'exceptional and compelling reasons'*. The policy also stated that special educational needs transport would only be provided at the council's discretion and where *'parents do not have the means to transport or arrange for others to transport their child to school'*. Mrs A had completed the first stage of the appeal process without success and was proceeding to the second stage. Mrs A successfully appealed with support from the LEaP Project. The local authority reinstated X's transport, updated the information published on its website and arranged for a lead officer from the disability team to oversee future transport decisions.

Mr B<sup>26</sup>, who lived in the same local authority area as Mrs A, contacted the LEaP Project at the same time about his 15 year old daughter, Y, who has global learning delay and autistic traits. Mr B had already exhausted the local authority's two-stage appeal process. The council had refused transport on the grounds that Y lived within the statutory walking distance from her school. The council acknowledged that Y was unable to walk and needed to be transported to school, but stated that *'there are two parents who could get her to*

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<sup>25</sup> Cerebra reference 2014/52

<sup>26</sup> Cerebra reference 2014/51

*school'* and that it was *'reasonable to expect parents who have a car to transport their child to school'*. The council also stated that there were *'numerous parents in [the local authority area] who work and have to get their children to school and work of itself is not seen as an exceptional circumstance where the council should provide transport assistance'*. As such, they stated that there were *'no exceptional reasons to deviate from policy'*. With support from the LEaP Project, Mr B challenged the local authority's decision to withdraw transport. The local authority reinstated Y's transport and Mr B received feedback from other families in the area that their refusals had been overturned.

Unfortunately, several months later, LEaP received a similar referral from the same local authority area. Mrs C<sup>27</sup> contacted the project team regarding her unsuccessful application for transport for her 11 year old son Z, who has Aspergers Syndrome and whose school is 2.5 miles from his home. Although, the local authority had amended their policy to reflect this category, Mrs C's application was refused on the grounds that *'the distance from home to school is less than the statutory walking distance of 3 miles'* and she was *'not in receipt of a qualifying benefit to be eligible for low income transport'*.

At the first stage appeal, the panel upheld the refusal to provide transport and stated that it was *'deemed parental preference'* to send Z to his school, despite the fact that Z's school had been named by the local authority in his Education, Health and Care plan with no conditions relating to transport. Mrs C proceeded to a second stage appeal with support from the Project Team. Mrs C received a phone call from the transport team at 4.30pm on the day before the scheduled second stage appeal hearing advising that Z would be granted transport.

In order to try and ensure that the policy changes were implemented in practice, the Project Team wrote to the authority's Monitoring Officer<sup>28</sup> to express its concern that the revised policy was not being implemented. The Monitoring Officer replied that the authority's legal team had been working with the transport team *'to review their practice, so as to ensure its legality'*. To date, the LEaP Project has not received any similar referrals from other parents in this local authority area.

### Case study 2 – Mrs Black<sup>29</sup>

Mrs Black contacted the LEaP Project in March 2016 regarding an unsuccessful school transport application her son, Joe. Joe is almost 12 years old and has learning difficulties; he lives 2.2 miles away from his secondary special school. Joe's Education, Health and Care plan confirms that he's unable to walk to school independently because of his learning difficulties. Mrs Black has been diagnosed with a medical condition that means she is unable to walk long distances. The local authority denied transport as they lived *'within 3 miles*

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<sup>27</sup> Cerebra reference 2015/42

<sup>28</sup> (a council officer who has a statutory duty to ensure that the council is acting lawfully)

<sup>29</sup> Cerebra reference 2016/21

walking distance of the school' and instead invited her to apply for transport on 'medical grounds'.

The council's 2016/17 Education Travel Policy did not recognise that children who could not reasonably be expected to walk to school because of their special educational needs, disability or mobility problems had a statutory entitlement to school transport. Instead, the policy stated that:

'The LA will exercise its discretion to provide transport assistance where a child is unable to walk to school because of a medical condition or disability and the parent can demonstrate that they would otherwise be unable to get the child to and from school...In all cases, the LA will consider the availability of help from immediate and extended family members and from neighbours. The availability of help through a School Travel Plan will be considered as will the use of any disability benefits to help secure attendance. It is expected that the parent will have made every reasonable effort to secure other help. The LA may seek confirmation of this from the parent, school or other agencies.'

On advice from the Project Team, Mrs Black requested transport on the basis that she could not reasonably be expected to accompany Joe, given his age and her own ill-health. The Project Team also highlighted the shortcomings of the council's transport policy. The authority accepted that Joe was not able to walk to school independently, but refused transport on the basis that Mrs Black had not provided any evidence to suggest that she could not be expected to fulfil her parental responsibility by accompanying Joe to school. Mrs Black was invited to request an 'exceptional circumstances' review by a Senior Officer Panel. With support from the Project Team, Mrs Black asked the panel to reassess her application and consider the inconsistencies in the policy. The panel decided that Joe would receive discretionary transport to school (to be reviewed in light of her medical condition), on the grounds of Mrs Black's own medical condition, until she was *'deemed physically able to escort [Joe] to school by a medical professional'*.

The Project Team contacted the council's Monitoring Officer to express concern about the council's rationale for providing transport and its failure to respond to concerns about the policy.

The council agreed to amend its transport policy so that it referred to all eligible children, including those who could not reasonably be expected to walk to school because of their SEN, disability or mobility issues. However, in response to repeated requests for confirmation of Joe's statutory entitlement to transport, the council has confirmed its belief that he is not an eligible child and that it does not have a statutory duty to provide transport. The council maintains that Joe's transport is provided on a discretionary basis on the grounds that his mother is unable to accompany him to school because of her own medical condition. The council says that it has *'considered whether [Joe] could reasonably be expected to walk if accompanied, and if so, whether his mother can reasonably be expected*

*to accompany him. The fact that he is 12 years old does not mean that his mother cannot 'reasonably be expected to accompany' him, especially in view of his needs' (our emphasis).*

The council in this case appears to hold two contradictory views. On the one hand, they argue that Joe is not entitled to transport by right, because Mrs Black *can* reasonably be expected to accompany him (even though he is nearly 12 years old). Yet the council accepts that Mrs Black is physically unable to accompany Joe because of her medical condition and he has therefore been given discretionary transport. As such, the Project Team are supporting Mrs Black to make a complaint to the Local Government Ombudsman.

### Issues arising from the LEaP cases

A number of common themes have emerged from the cases referred to the LEaP Project:

#### *Failure to discharge statutory duties:*

In light of the referrals received it is evident that some local authorities in England are failing to recognise that children who cannot reasonably be expected to walk to school because of their special educational needs, disability or mobility problems are entitled to free home to school transport under the Education Act 1996. In some cases, local authorities appear to be trying to shift the responsibility for making suitable transport arrangements to parents of disabled children

#### *Discriminatory policies / practice:*

It appears that some local authorities are expecting parents to walk their disabled children to school, even where the child is beyond the age at which typical children would cease to be accompanied. This inevitably makes it very difficult for parents to continue in full-time employment or meet other commitments.

#### *Failure to make systemic changes*

Whilst there have been some successful referrals where local authorities have eventually accepted their duty to provide transport there appears to be a failure to change their practices as a result. Sometimes they fail to implement changes to policy and practice at an organisational level (e.g. by retraining staff), leading to recurring problems. Staff continue to implement incorrect policies and procedures based on an incorrect understanding of their legal obligations.

#### *Incorrect information*

Considering the incorrect information contained within some local authority policies, parents of disabled children are misinformed as to their children's statutory rights, making them less likely to apply for transport assistance or to challenge local authority refusals.

#### *Poor communication*

Some local authorities deal with parents' correspondence in a piecemeal manner. As a result, parents have to make repeated requests for information (e.g. for a named contact

officer or confirmation of a child's entitlement). Some local authorities seem resistant to resolving issues at an early stage, and a child's entitlement is only recognised at the eleventh hour, following protracted correspondence and multiple appeals.

#### *Ineffective review mechanisms*

It would appear that some local authorities have ineffective review mechanisms. Despite having two or three opportunities to put things right during a transport appeal process local authorities are failing to properly consider evidence put forward by well-informed parents in support of their applications.

#### *Concerns*

Cases referred to the LEaP Project have raised questions about the impact of local authority policies and practice on families who do not have access to information and/or support. Similarly, there are concerns as to the capacity of authorities to embed change at an organisational level.

### IPSEEA findings

*A note of thanks...*

*As a result of discussions concerning our research project with IPSEA it kindly offered us the following information regarding referrals they have received from parents of disabled children regarding home to school transport. This indicates that IPSEA has received similar queries to that of the Cerebra referrals team. With IPSEA's agreement we have included the information to highlight the commonly occurring problems experienced by parents of disabled children in attempting to access their statutory rights.*



Home to school transport for children with SEND research submission With over 300 volunteers, and assisting nearly 7000 parents and young people annually, IPSEA (Independent Parental Special Education Advice)<sup>30</sup> is recognised as one of the leading organisations in special educational needs and disability (SEND) law. Established as a registered charity in 1983, IPSEA provides advice and advocacy to parents of children and young people with SEND.

IPSEA is an entirely independent organisation focussed on enabling every child with special educational needs and or disabilities to obtain the best education possible. We promote the interests of children and young people with SEND by working with the government, local authorities (LAs), schools and interested third parties. IPSEA offers various services from training to free telephone advice and Tribunal support and representation. This information has been prepared with regard to the evidence recorded from beneficiaries of IPSEA services and with input from IPSEA's specialist legal team.

#### Background

For children of statutory school age, there are 4 groups of eligible children which are detailed in Schedule 35B Education Act 1996. In brief, they are as follows:

1. Those who live beyond statutory walking distance (under 2 miles for those children under 8 and 3 miles for those over the age of 8)

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<sup>30</sup> Registered Charity No. 327691 Limited Company No. 2198066 IPSEA



2. Those who cannot reasonably be expected to walk because of a SEN, mobility or disability and live within statutory walking distance
3. Children who live on what is considered an unsafe route (typically children living in rural areas)
4. Children whose parents are considered to be low income families

#### IPSEA's policy work

For the purpose of IPSEA's work the first two categories are the ones we are interested in and this is frequently demonstrated in our policy work. Transport is one of the top 5 issues which parents contact IPSEA about. Our advisors are trained to inform parents concerning the correct legal position with regards to transport entitlement and give parents next step advice in order to enforce entitlement. However, IPSEA encounter some LAs more frequently than others and some LAs persistently give parents incorrect information and in turn deny eligible children their transport entitlement. Providing advice to parents of children with special educational needs have written to 16 LAs in the past 18 months regarding unlawful transport practice and policies.

The following 4 issues frequently arise:

1. The LA conflates the SEN category of eligibility with the statutory walking distance category In 7 of the 16 of policies looked at, the LA stated within the policy that children with SEN would only be entitled to transport if they lived beyond the statutory walking distance. This is clearly incorrect as the 4 categories of eligibility are separate and must not be conflated.
2. Policies which require children with SEN to be in receipt of a statement of SEN or an EHC Plan to qualify for transport It is a common misconception that children with SEN are only entitled to transport provision if they have a statement or a EHC Plan. The SEN framework is separate from the transport framework and entitlement to transport is not dependant on entitlement under the SEN framework. Although we found evidence of this in only 5 if the 16 polices looked at, anecdotally, we frequently encounter parents who are informed of this misconception verbally by LAs.
3. Widespread confusion over the duty to provide transport when a child is not attending their nearest suitable school Schedule 35B EA 1996 contains an exception to transport only being available to the child's nearest suitable school. The exception is that the LA has not made arrangements for the child to become a registered pupil at a qualifying school nearer to his home. In other words, if the LA has not secured a place for a child at his nearest school, the LA (if the child is eligible for transport) will be under a duty to make transport arrangements for the child to attend a school further away than the nearest school. For children who have the benefit of a statement of SEN or a EHC Plan there is a further

exception, if they are eligible for transport, to being entitled to transport to a school further away than their nearest suitable school.

This is as a result of *Dudley MBC v Shurvinton* [2012] EWCA 346. The court said that there was a specific process to be followed where the local authority was arguing that there was a nearer suitable school: (1) The first stage is for the First tier Tribunal (FTT) to determine the relative transport costs of the two schools, assuming the authority will have to provide transport to both. (2) If the FTT determines that the costs of transport to School B is not incompatible with the efficient use of resources, the FTT must name School B and only School B, even if School A is also deemed suitable. (3) If the FTT determines that the cost of transport to School B is incompatible with the efficient use of resources then the FTT may name School B as well as School A in the Statement, on the condition that the parents pay the cost of transport to School B. The above analysis must be applied before a local authority can lawfully relieve itself of the duty to provide home to school transport. This is the most common misconception in the policies we look at and was present in 14 of the 16 transport policy complaints.

#### 4. Accompaniment

The current statutory guidance on transport is being used frequently to deny children with SEN transport provision. There is no reference to accompaniment anywhere in paragraphs 2-5 of Schedule 35B to the EA 1996. However, paragraphs 17 & 18 of the statutory guidance deal with this as follows: In determining whether a child cannot reasonably be expected to walk for the purposes of 'special educational needs, a disability or mobility problems eligibility' or 'unsafe route eligibility', the local authority will need to consider whether the child could reasonably be expected to walk if accompanied and, if so, whether the child's parent can reasonably be expected to accompany the child. When considering whether a child's parent can reasonably be expected to accompany the child on the journey to school a range of factors may need to be taken into account, such as the age of the child and whether one would ordinarily expect a child of that age to be accompanied. 18. The general expectation is that a child will be accompanied by a parent where necessary, unless there is a good reason why it is not reasonable to expect the parent to do so.

We frequently encounter LAs who wrongly proceed on the basis that a child must be accompanied unless the parent can prove otherwise and inform parents that it is their legal duty to accompany a child to school, using the statutory guidance to justify this position. This imposes a higher threshold than what is contained in law. Statutory guidance cannot impose a stricter test than what is contained in law and yet parents tell us that this is what they are told by LAs.

### Summary Local Government Ombudsman (2017) Report<sup>31</sup>

#### A report from the Local Government Ombudsman

Although issues with School Transport are far from a new phenomenon, 2017 saw increased attention regarding Local Authority home to school transport<sup>32</sup> including a Contact-a-Family (CaF) school transport inquiry.<sup>33</sup> As with the Cerebra LEaP helpline, school Transport has also been one of the most common topics encountered by the CaF helpline

In March 2017, the Local Government Ombudsman (or 'LGO') published a focus report' called 'All on board? Navigating school transport issues: learning lessons from complaints'.<sup>34</sup> In this report the extent of school transport issue was reflected in the rise of complaints from 160 received in 2014/2015 to 261 in 2015/2016. The purpose of the report was to highlight to Councils the commonly occurring complaints received to help address these reoccurring failures.

The most common themes within these complaints included inadequate communication with parents and failure to consult parents regarding policy changes. Most notably though, complaints were also received regarding the lack of clear information available to parents and the failure of LA's 'to consider health and safety problems associated with their educational needs and disability when considering eligibility for transport'.

The report helpfully detailed the legislation that prescribes what groups of children are 'eligible' for school transport. Within the category regarding SEN, mobility and disability problems, the report includes the fact that a disability may be a temporary medical condition. The report also referred to the Statutory Guidance that LA's have a duty to have regard to. In particular, the LGO cited LA's obligation to have a robust appeals procedure, which should be published alongside the transport policies. Our research has shown that not all LA have abided by this duty and are failing to provide an adequate appeals procedure for parent carers who are not satisfied with LA transport decisions.

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<sup>31</sup> Local government ombudsman *All on board? Navigating school transport issues* (LGO 2017).

<sup>32</sup> See for example Burns, J *School transport cuts causing 'distress and upheaval'* (BBC 17 March 2017) and '*I can't afford disabled son's school taxi*' (BBC 17 March 2017).

<sup>33</sup> Contact-A-Family *School transport inquiry* (2017).

<sup>34</sup> Local government ombudsman *All on board? Navigating school transport issues* (LGO 2017).

A list of expectations of Councils were detailed in the report which included the duty 'to provide clear and accurate information about school transport policies and changes to those policies'. This expectation coincides with the concerns of this research which has highlighted the inaccuracy and inaccessibility of a substantial proportion of LA's online transport policies.

Other issues emphasised throughout the report included LA failure to apply transport guidance to both applications and appeals. There are sections dedicated to those with SEN, mobility and disability problems which emphasised that such children should not be treated less favourably. For children with a disability or mobility problem the LGO detailed the appropriate test for eligibility, which stated:

*Even though some children with mobility problems, special educational needs or a disability live within the statutory walking distance, the law and statutory guidance sets out three tests which can make the child 'eligible' for free school transport:*

*'1. Councils must consider if the child has mobility or health and safety problems associated with their special educational needs or disability, which means it is not reasonable for the council to expect the child to walk to school. Councils should assess the eligibility for such children on an individual basis to identify their particular transport requirements;*

*2. If so, councils must consider whether it is reasonable to expect the child to walk to school if accompanied. For example, can an adult prevent the health and safety risks posed by the child's special educational needs and disability?*

*3. If so, councils must consider if it is reasonable to expect the adult to accompany the child on the journey, taking into account a range of factors including the child's age and whether one would normally expect a child of that age to be accompanied.'*

It was also stressed that LA's should 'not have policies that automatically preclude those families who receive the higher rate of the mobility component of Disability Living Allowance. The Department for Education has said in Parliament that being in receipt of this allowance does not necessarily confer eligibility for free school transport but neither does it preclude it if the child is an eligible child.'

The LGO's report appears to have cited *some* of the key concerns this research project has found. However, the extent of the issues at both policy and practice level are not necessarily fully explored in this report. Problems with accessibility and accuracy of policies were not fully explored. Nevertheless, this report is a positive step towards addressing the widespread inconsistencies and inadequate policies and practices of a substantial proportion of Local Authorities.

### Student reflections

#### Lisa

'Finding the information on certain websites was really difficult and so I assume a parent with a disabled child would find it even harder to find all the necessary information needed. The policy pages on some websites were too long and time-consuming to be able to read through everything and understand what applies to their child. This would probably be very stressful for the parent trying to find out whether their child applies for free school transport. Additionally, some of the language used in the policies were quite hard to understand and the legal language involved seems to cloud requirements of eligibility. Overall I think the websites with the policies need to have a clearer view of their information.'

#### Amy

'The information that I have found when researching the council websites has been varied. Some websites have been very easy to locate the policy with just three or four clicks, whereas other council websites have been more difficult to find the policy, or not locatable whatsoever. Obviously this is from a law student's perspective, therefore if it were from a parent's perspective it may be even harder to try and locate the policy. Some policies have been written in simple understandable language, however other policies seem to appear quite confusing and not explaining the requirements of what is needed to obtain free school transport.

For example, I was unable to find a policy for **Z** Council's and the website was very unclear as it was just directing from webpage to webpage, concluding in no real informative requirements. However, on the other hand, **X** County Council's policy was very easy to find, it only took minimal clicks and the policy was not too long and was written very well for someone, even without legal knowledge, to understand. Overall, I would conclude that the policies from the council's websites are relatively easy to locate, and most the information is quite easy to understand. However, this is from a law students perspective, I feel it would be different from a parents perspective, they might not know how to research the website properly, or have the time and the patience to do so.'

#### Fiona

'Throughout conducting my research from the various websites I faced many issues. On the majority of the websites that I looked at, the information was difficult to locate, which for families that need the support must find extremely frustrating. On a whole, once the required information was located, I found that the sites were accommodating in terms of their explanations (i.e. not overly using legal jargon). However, not all of the information given by the authorities was entirely correct, they tended to include 'may' and 'if' a lot rather than explicitly stating things which makes predicting the outcome very difficult.

Furthermore, often the application forms were tailored towards those applying from low income families, with little or no mention of those applying with a disability. All the sites did include contact details for enquiries and how one would appeal if they needed to do so.

Overall I have found the research useful in seeing how authorities handle the publication of such rights. From a perspective of a law student conducting research I found that all of the information was there if you knew where to look, however I understand (from a parent's perspective) how the process may be off putting as it would be time consuming and an added stress on the family. The majority of the sites provided too much information, which makes the relevant information for parents hard to find, thus they would all benefit from being more concise.'

### **Nav**

'While the information regarding school transport was easy to find on each website and was in clear, easy to understand language, the lack of information on certain websites to entitlement of free transport and escorts was mildly disappointing. While, **A** LA and **B** LA had clear websites which provided sufficient information, **C** LA and the **D** LA were certainly more difficult to navigate through. **D**'s website does not even allow access to the website until an account is made which may be discouraging for parents. The lack of information and discrepancies between each site may prohibit parents from claiming support where they're entitled and is something that most definitely requires attention from Parliament.'

### **Amie**

'My research concluded that the current information available for those seeking additional support for the transport of their disabled child to school is unsatisfactory. After looking into the policies of various County councils it is clear that greater and clearer information must be provided to those who need it. Although it is not difficult to find the policies on the County council websites, the policies themselves are often very detailed and overly complex. The policies often included information on all the 'eligible' groups however there was often a lack of information about those with SEN and statements. All the websites provided details on how to apply and appeal but once again the language was confusing and the processes elaborate which may confuse the reader or possibly convince them to not bother applying for the support'.

### **Aiste**

'Each of the council websites researched made their school transportation policy easily accessible and, amid occasional legal jargon, written in easy-to-understand language. However, from the perspective of an SEN applicant, the material was unhelpful. The application process was rarely readily available and often, especially for SEN applicants, only mentioned in vague terms leaving potential applicants confused as to how they could actually go about claiming their rights. Some councils' alluded to an additional examination process specifically for SEN applicants without going into detail. This extends to the appeal process as well. While every policy made mention of its existence, the actual process to begin the appeal was often made out to be tedious and inefficient (such as requiring those wanting to appeal to write by post). There is no reason why every council cannot provide a link to an online application and an online appeal that can be submitted instantly in addition to a phone number of the council department allocated to school transport issues. This

information should be at the very beginning of each council's web page and not in the middle or end of a separate, long-winded PDF.'

### **Rachael**

'Throughout this task I have encountered a number of difficulties in finding the necessary information. I did not see a single local authority site that had all the information clearly and easily available. Most websites were relatively easy to find some form of policy, only requiring three or four clicks. However when reaching what should have been the relevant page there were long and complex policies written in challenging to understand legal terminology. Some websites I could not even find the application form. As a parent trying to find this information I would have certainly struggled to meet the needs of my child.'

### **Victoria & Winona**

'Finding the policy documents themselves was simple enough in most cases as it was located under the school sections. However, there were instances when either the policy either didn't exist or was unavailable at the time. This is not fair for the parent, as the information should be readily provided. The policy documents themselves were very daunting in terms of their formatting and the language. They were often long pdfs, with black and white writing and minimal headings, instead just numbering the paragraphs. For parents this makes the policies uninviting, particularly when there is no contents page so all the document must be read.

There was a heavy focus on legislation, sections and legal definitions in many of the policies. For a parent that does not have a legal background, this makes the policy unnecessarily difficult to understand. Instead there should be plain language used so that they can understand what the child is entitled to. The information that was provided was often complicated, and sometimes inaccurate, meaning that parents are faced with unnecessary hurdles when trying to apply for something that their child is entitled to, so that they can benefit. In most instances, the information on escorts, applications and complaints was detailed enough that a parent could understand. Typically contact details were provided giving the parent the opportunity to get further information.'

### **Muhammad**

'In my first term in the law school, I have decided to join the School Transport Research Team and I have nothing to regret that decision, apart from the results I have found. The team has one simple objective, to check whether the local authorities have outlined the right information vis-à-vis school transport aid to their websites. As simple as it may sound, the survey couldn't be completed within a short period of time. Some local authorities provided a bundle of documents up to 46 pages long, in black and white filled with confusing legal terms, even to a law student. Hence, it took time to peruse the documents. Some local authorities provided information correctly in their pdf documents enclosed on the web, but most of them had misleading information.

Lucky for me, due to my legal knowledge, I could identify which part of the information was in accordance with the Education Act 1996 Schedule 35 Paragraph 2 and which one is not. The contradictory nature of the information on the web and in the pdf documents must surely confuse the parents who do not have legal background, and this might discourage them from requesting assistance. What is the purpose to have a document that is unreadable and incomprehensible? Yes, the parents do have a responsibility to understand the Act and try at their best to digest the information provided, but a simpler, more interactive and engaging document would be much better. I hope this research will ensure that local authorities revise their existing information and perhaps be more sensitive. I look forward to seeing appropriate action taken by these local authorities.'

### **Harry**

'Being part of the Disability Law Research Project has been one of the most fulfilling experiences of my life both as a young researcher and advocate in disability rights. The experience has energized my passion for disability rights advocacy and research, and my technical understanding as well as practice on disability policy has generally grown to an advanced level following my involvement in the project.

This experience came up with its own challenges but through personal motivation, team work and timely support from the supervisors: Sorcha and Luke, I was able to go through the challenges with much ease and composure. One of the challenges that I can single out is having had to read some policies with over 55 pages and written in very technical terms. But this was worth it, considering that part of the research was to look at the availability of information and ease of the policies on school transport for disabled children in the UK. Being a Law student myself, and yet having faced such challenges as the length and language of some of the policies, I was challenged to view myself from the perspective of many parents or guardians of disabled children who might (or indeed do) face challenges in accessing the much needed information on the council websites or in policy documents.

All in all, this has been a great experience and I have advanced my skills in teamwork, time management and technical understanding of disability rights policy and research. I would personally encourage more students at the University of Law to volunteer in causes like the Disability Law Research Project.'

### **Panagiota**

'In the past months, I have worked together with other students of the University of Leeds for the School Transport Project. We were separated into teams and each of us assigned specific local authorities websites. I was excited to participate in this project. Some websites were not very well organised and sometimes it was hard for me to find the policies or the policies were confusing having unnecessary or misleading information.

I was lucky to cooperate with Luke, Sorcha, Harry and Mohamed. Luke and Sorcha were great companions who enlightened our minds and direct us to the right way. In my group we were three people who were living in different areas so we decided that it would be better to complete the surveys each of us independently and then combined all the results together into a new Data Form. I went through difficulties in finding the answers for the surveys as the majority of the local authorities' websites were not very organised or the



policies were very long and confusing, maybe not covering all the basic law requirements. I tried to be more concentrated, use my analytical skills and pay more attention to the details at the same time. I was quite organised and I had studied the necessary information given by Luke and Sorcha and followed the given instructions. That is how I managed to meet my duty and finished the surveys on time.

The project contains several tasks- reading the relevant law, reading local authorities policies, navigating in websites, collecting the appropriate data from the policies, filling them in the surveys and transferring data to the final Data Form. Some of these tasks were challenging and others were quite easy for me as I was familiar with this kind of job before. The most challenging task was the policy reading when I had to select and define the right information in order to answer the questions in the surveys.

### Jargon Buster

<b>'Walking distance'</b>	2 miles if under 8 - to nearest qualifying school 3 miles if over 8 - to nearest qualifying school
<b>'LA'</b>	Shorthand for Local Authority- the governmental body with educational functions and duties. Previously referred to as 'LEA' or local education authorities.
<b>'SEN'</b>	Special Educational Needs
<b>'Statement of SEN'</b>	Given to a child who requires additional support for their SEN over and above what can be provided by the School (long and detailed process)
<b>'EHCP'</b>	'Education, Health & Care Plan' that is the new statement of SEN since 2014. Combines the child's needs in education, health and care in one document.
<b>'Compulsory school age'</b>	Is between 5 and 16 years old.
<b>'Qualifying school'</b>	The nearest suitable educational establishment (which may be named by the LA on an EHCP)
<b>'LEaP'</b>	Means - Legal Entitlements and Problem-Solving Project
<b>'IPSEA'</b>	Acronym for <i>Independent Parental Special Education Advice</i> . A charitable independent body that assists parents in getting the right education for their children with SEN.