

## Statement from STILL SEND 16+ (Post-16 SEND Transport):

In good faith, we have engaged with Leicester City Council since a legal challenge in 2024 forced a reconsideration of transport policy. In the SEND Transport Policy Proposed Decision Report you can read a summary of our responses (and the responses of others) to the recent consultation. However, the three options which have been put forward for your consideration do not reflect the concerns which we have repeatedly raised to council officials, and which have been raised again in the consultation.

This perspective is reflected in section 1.8 of the SEND Transport Policy Proposed Decision Report v0.12, which states “It is recognised that the proposed changes are likely to be significantly disadvantageous for affected young people and young adults (and their families), and it is estimated that approximately 350 (and potentially up to 450) young people and young adults with SEND (and their families) are likely to be affected. The likely disadvantageous consequences of the proposed changes were reflected in the responses to the consultation on the proposed new SEND Travel Policy and Post-16 Statement, all of which opposed the changes”.

We recognise that **Option 1- Do Nothing** is not a viable option in the current financial climate.

We cannot accept **Option 2- Adopt the draft policy** as this will be “significantly disadvantageous” as noted above. We argue that the second option is open to legal challenge as it does not “have regard to the needs of those for whom it would not be reasonably practicable to access education or training provision if no arrangements were made”(1). These needs are clearly set out in the consultation responses, where 29% of adult respondents stated that their child would not be able to continue in education and training if the proposed policy is adopted. For example, the suggested acceptable journey time of 75 minutes is intended as guidance for **all** young people aged over 16 and does not take into consideration how SEND will impact this. In many cases of young people with SEND, the parent will need to accompany them, making work impossible.

The suggestion that young people with EHCPs should simply “choose” a provision closer to home does not reflect the reality of specialist placements. For example, Leicester does not have any autism-specific provision in the city. We all would like our children to attend a placement in the city, but if the needs cannot be met here (or there are no spaces) then they must travel elsewhere. This is not a parental decision, but a decision made under significant scrutiny by the education team. Note that statutory guidance also states that “we would expect reasonable choice to include enabling young people to choose courses outside their home local authority boundaries if it makes sense for them to do so.”(2)

We also note that although the local authority is claiming that parents are responsible for school transport, the statutory guidance states that “the statutory responsibility for transport for 16-19 year olds (who have started a course before their 19th birthday) rests with local authorities.” There is also a legal duty to provide transport for adults with an EHCP plan.(3) Under this option, the council proposes to support just 16 children with a Personal Transport Budget, leaving everyone else with no support.

**Option 3** offers a solitary concession for which the basis is unclear. The proposed draft policy states that siblings must have an EHCP, yet the decision report refers to “siblings with SEND”. These are two different categories – there are many children with SEND who do not have EHCPs. Additionally, the decision report states on a footnote on page 22 that “it is assumed that 50% of the total post 16 cohort who currently receive SEND transport ..are multiple siblings with SEND attending different schools that may be eligible under option 3”. Given that only 15% of consultation respondents reported that they have other children that will be affected, and no data was gathered on whether these siblings have SEND and/or EHCPs, it is difficult to see any basis for this calculation. ***Option 3 is inadequate in all respects as a response to the significant concerns raised by the consultation.***

We propose an **Option 4**. This option takes into account the concerns raised in the consultation and broadens the exceptional circumstances to ensure all applications are considered individually based on the needs already specified in the EHCP (rather than the council’s own definition of “complex SEND”) and how these impact transport alongside family circumstances. Although the provision of a Personal Transport Budget would remain the first line of support, alternatives should be made available where needed. These could include the use of Personal Assistants to accompany young people on public transport, the provision of a taxi or minibus. This option would reduce the spend on taxis while still ensuring the needs of disabled young people are met. Leicestershire County Council currently takes this approach.

Finally, we have noted that the timescale for appeals is significant – 20 working days for a first appeal and 40 working days for a second appeal. This is unacceptably long where matters concerning disabled young people’s support is concerned.

We would like to ask you to carefully scrutinise the documentation and recommendations regarding this policy and propose an Option 4 at the upcoming meeting of the Children, Young People and Education Scrutiny Committee.

***The consequences of the proposed policy are immediate and severe for disabled young people and their families, and this decision now rests in your hands.***

If you would like to discuss this further, members of our group are available.

STILL SEND 16+

Save Transport in Leicester and Leicestershire SEND 16+

(1) Post-16 transport and travel support to education and training: Statutory guidance for local authorities, page 10 <https://www.gov.uk/government/publications/post-16-transport-to-education-and-training#full-publication-update-history>

(2) Post-16 transport and travel support to education and training: Statutory guidance for local authorities, page 11 <https://www.gov.uk/government/publications/post-16-transport-to-education-and-training#full-publication-update-history>

(3) Post-16 transport and travel support to education and training: Statutory guidance for local authorities, page 6 <https://www.gov.uk/government/publications/post-16-transport-to-education-and-training#full-publication-update-history>