

## Case study: SENDIASS support with transport issues

This case study demonstrates a good clear methodical approach to overturn a local authority decision on school transport which could have potentially prevented the child making a successful transfer to secondary school.

### Context

Cuthbert aged 10 at mainstream school living in town X. His needs include a significant developmental language disorder, processing and memory difficulties, behavioural and emotional problems. We had previously assisted family in obtaining an EHCP in 2015. Since then we had not been involved.

**February 2018:** The LA named a special school in town Y for secondary school – this school was the family's preference. However, no home to school transport was to be provided.

**May 2018:** The parent rang us for help to rectify this. This was very important for her as she did not know how she would get him to the named school in town Y which was several miles away from her home. She is a single parent working full-time. She herself had been suffering from health difficulties including a period in hospital.

We scheduled a call with her to unpick what had happened. This is a summary of what she said: *The family's original preference of secondary school was a mainstream school with additional resourced provision (ARP) in town Z - this was based on advice from professionals at the time. The parent remembered that her school preference and worries about arrangements for transport for this school had been discussed at the Annual Review earlier in the year. The SEN Officer at the Review told her that transport would be provided.*

*3 months later: She was made aware that a LA panel would be meeting. She had chased this to find that in fact their recommendation was that her son should be placed in a special school. She was advised to visit 3 schools in towns X, Y and W. She expressed a preference for the school in town Y. No reference was made to the implications for school transport by the SEN Officer in one call. In another she was told that transport would be provided. She was shocked to find in a letter with the Final Amended EHCP that transport would be up to her.*

We stated that we could try to help, but that LA transport appeals are often unsuccessful. There was no current right to appeal to the SEND Tribunal because the EHCP had been finalised 4 months previously. We could help her to gain a right of appeal via the Annual Review process but this would also be tricky to win as the preferred school is already named on the EHCP.

In case an obvious mistake had been made about Cuthbert's eligibility for home to school transport, we worked through the IPSEA home to school transport checklist with her. For example, we looked at mileage and eligibility for working tax credits. We also discussed the possibility of sharing lifts with another family.

With the parent's permission, we spent time looking through paperwork relating to the EHCP and previous Annual Reviews. This enabled us to help her to start to pick out relevant evidence for her

transport appeal.

The family was shortly to attend the next Annual Review meeting. We offered to attend with her.

At the meeting we helped her to ask questions of the professionals present relating to how her son's needs could be met at the named special school and at the nearer special school which the LA was now saying was the nearest appropriate school. At this meeting it became evident that there was doubt among the professionals that the nearer school did have the required expertise to provide help with the significant developmental language disorder. In contrast, the named school had a large team of speech and language therapists on site and experience with delivering specialist interventions including help with inference, decoding and a phonological processing programme as specified in section F of his EHCP.

We then met with her again to draft a letter to appeal the decision. Using the evidence from the paperwork and the recent Annual Review meeting and our understanding of case law relating to school transport, we helped her to frame reasons for the appeal including:

- The nearer school was unable to meet Cuthbert's needs because of their lack of SALT provision and so, therefore, was not suitable for him.
- Section I of the EHCP named the preferred school unconditionally – it did not state that the school was named only as a parental preference and that the LA has a nearer alternative suitable school.
- The LA had not stated either verbally or in writing that transport would not be provided should the preferred school be named. Communication from the LA had generally been very poor, contrary to the section 19 principles of the Children and Families Act.
- Cuthbert's health needs would make it difficult for him to access public transport. The public transport route would involve bus changes and walks.
- The parent's continuing ill-health meant that transport would be very difficult.

**June 2018:** The parent sent in the letter.

**Impact for the family** – Mission accomplished!

In August the parent wrote to us:

*"I would just like to thank you and your team for the support that you have given me for Cuthbert. I have been given transport for him to attend school Y (her preferred school as named on the EHCP). I really do appreciate all your help thank you."*

At end of October she said:

*"Cuthbert has come on in leaps and bounds since attending his new school. He has made new friends, he has become more confident, he is joining in activities as never before. It was the best decision I ever made to persevere in making sure he could attend this school. Thank you again to your team for helping me make this happen."*

**Impact on our team**

This case was managed by a trained adviser supporting a volunteer during her induction. The volunteer shadowed the adviser at the Annual Review meeting giving her useful experience. The adviser led team training on home-to-school transport which the volunteer attended. The volunteer

was then able to assist with calls to the parent around eligibility for home to school transport. The adviser explained what to look for in the EHCP paperwork, and she was able to pick out many pertinent points. Due to the parent's ill-health, the volunteer drafted the letter for her, supported by the adviser.

This case gave the volunteer a focused opportunity to learn about:

- The law around home to school transport
- The law around Annual Review and school placement
- How to support a parent in a meeting
- How to work with a parent to put together a constructive letter in order to reverse a decision
- What it feels like to succeed