

Enterprise and Learning Committee

EL(3) 06-07(P5) : 10 October 2007

Proposal for a Learner Travel (Wales) Assembly Measure

A response from the National Autistic Society Cymru

September 2007

About us

The National Autistic Society Cymru (NAS Cymru) is the charity working throughout Wales for people affected by autism. We are part of the UK's leading charity for autism. We were founded in 1962 by a group of parents who were passionate about ensuring a better future for their children. Today across the UK we have over 17,000 members, 70 branches. In Wales, NAS Cymru has five branches and over 700 members. We also link to a range of independent autism parent support groups. In Wales, we provide:

Information, advice, advocacy, training and support for individuals and their families
Information and training for health, education and other professionals working with people with autism and their families
Specialist residential, supported living, outreach and day services for adults
Out-of-school services for children and young people
Social programmes for adults with autism.

A local charity with a national presence, we campaign and lobby for lasting positive change for those affected by autism in Wales and across the rest of the UK. What is an autism spectrum disorder? Autism is a lifelong developmental disability that affects the way a person communicates with, and relates to, other people. It also affects how they make sense of the world around them. It is a spectrum condition, which means that, while all people with autism share three main areas of difficulty, their condition will affect them in different ways. The three main areas of difficulty (sometimes known as the 'triad of impairments') are:

Difficulty with social interaction. This includes recognising and understanding other people's feelings and managing their own. Not understanding how to interact with other people can make it hard to form friendships.

Difficulty with social communication. This includes using and understanding verbal and non-verbal language, such as gestures, facial expressions and tone of voice.

Difficulty with social imagination. This includes the ability to understand and predict other people's intentions and behaviour and to imagine situations outside of their own routine. This can be accompanied by a narrow repetitive range of activities.

Some people with autism are able to live relatively independent lives but others may need a lifetime of specialist care. People with autism may also experience some form of sensory sensitivity or under-sensitivity, for example to sounds touch, tastes, smells, light or colours. Asperger syndrome is a form of autism. People with Asperger syndrome are often of average or above average intelligence. They have fewer problems with speech but may still have difficulties with understanding and processing language. People with Asperger syndrome may not necessarily have learning disabilities but often have accompanying learning difficulties, including dyslexia. We use the term autism here to cover all people on the autism spectrum, including autism, Asperger syndrome and other diagnostic terms used for autism spectrum conditions. Around 29,000 people in Wales have autism. Despite this, autism is still relatively unknown and misunderstood. That means that many of these two million people get nothing like the level of help, support and understanding they need.

NAS Cymru response to the Learner Travel (Wales) Assembly Measure

NAS Cymru welcomes the opportunity to comment on this consultation. We feel this is a good opportunity to clarify the legislative framework in this area in order that all local authorities are aware of their commitments regarding assessment of learner travel. This response highlights the particular difficulties experienced by pupils with autism in relation to school transport, which we receive substantial numbers of calls about each year to our NAS Advocacy for Education Service. In a recent NAS survey, well over half (58%) of those caring for a person with autism described using transport as difficult for those they cared for, with 30% describing it as very difficult. We therefore highlight some proposed amendments to this Measure. The concerns expressed in this response are also applicable to the broader population of pupils with Special Educational Needs.

NAS Cymru has concerns regarding provision for learners with special educational needs and disabilities within these draft proposals, which must be addressed. We are concerned about:

the lack of provision for free transport for pupils with mobility difficulties living within the statutory walking distance to their school
the absence of clarity around charging and subsidised costs (Point 1.7- page 2) specifically safeguards to ensure that local authorities will not charge more for travel costs for a child with a disability or special educational needs
the absence of any requirement for authorities to ensure that pupils with a disability or special educational need are not precluded from taking part in extracurricular activities by their school transport arrangements
and the need to take into account the particular difficulties these pupils may face in consideration of safeguards for behaviour and discipline on school buses and other transport to school.

NAS Cymru agrees that local authorities should be central to the assessment of needs of children and young people in education and training. We also believe that the Measure should put in place the same legislative framework across Wales to prevent the postcode lottery of pupils being entitled for different levels of support for transport depending on the area in which they live. We do feel that discretion for local authorities to provide more generous transport arrangements locally is useful- but feel strongly that in its current form the legislation does not make clear enough the minimum expectations on local authorities regarding pupils with special educational needs. **Draft Measure - 2 Duty to assess learner travel needs- point (4)** NAS Cymru strongly supports the duty for local authorities to have regard to the needs of learners who are disabled. However it would be more helpful to replace the term 'learning difficulty' with 'special educational need' to ensure that it is clear the legislation covers all pupils with special educational needs, regardless of whether they have a statement.

Provision of free transport for pupils not able to walk independently within the statutory walking distance to school

The Measure should make clear that free transport must be made available within the statutory walking distance if a pupil is unable to walk the route independently as a consequence of their disability or special educational need. There are many factors that may prevent a child or young person with autism from being able to walk to school due to the nature of their disability. For instance many young people with autism have no sense of danger and would think nothing of running out into the road or running off on their own without any thought for their own safety or the safety of others. Therefore an inability to perceive danger is a key barrier to accessing transport. Even with supervision it may be difficult to manage pupils with behavioural difficulties around traffic. This also applies to children with other disabilities who can physically walk to school but not without support e.g. deaf children. This real life example, highlights some of the difficulties: ""My son has absolutely no sense of danger. He loves trucks and cars and buses and things and he'll just walk into the middle of the road to touch one...Train stations, forget the train, we tried trains. He wants to look at the track. He wants to touch the track."" (Parent of a child with autism) This failure to provide transport within walking distance is also contrary to Local Authorities responsibilities to promote disability equality under the Disability Discrimination Act 2005. Moreover if 'walking distance' is the sole determinant of whether free transport should be provided, without making any provision to children with mobility difficulties this could contravene Article 14 of the European Convention on Human Rights. We would like to see therefore, it being laid in the Measure that: "Where a disabled child is unable to walk the statutory walking distance, the local authority will be under a duty to make appropriate transport arrangements for them".

Absence of any safeguards to protect a child with special educational needs and or a disability from incurring any additional financial penalty as a consequence of their disability.

Many children with SEN travel long distances to access an appropriate education, where local mainstream schools are unable to meet their needs. It is important that these children are not additionally penalised for the lack of appropriate provision locally by being charged according to the length of their journey. We would like to see some clarity in the Measure regarding this (particularly as the explanatory notes make reference to 'subsidised travel'). Similarly, where a pupil with autism needs an escort or specialist provision in order to access school they should not be charged for the additional support needed as result of their disability. In addition, provision of such transport should not be linked to the presence of a statement of special educational needs (which would not adequately cover many young people in a climate where statements are being reduced by local authorities). However, entitlement to suitable transport should be based on each child's individual needs.

Provision to ensure children with special educational needs and children with disabilities are able to access extracurricular activities

Section 2 of the explanatory notes on this Measure confirm that authorities are not required to take account of extra-curricular activities such as breakfast or after school clubs. NAS Cymru is extremely concerned about this omission. It is clear that provision of access to such activities are not priorities for local authorities when planning school transport, especially for pupils with special educational need. In recent research, 44% of parents of children with autism told us that their child has not been able to take part in activities before or after school, where these are provided. For many children this is due to the fact that their school transport is not flexible to accommodate these extensions to the school day. We would strongly advise therefore that inclusion be made within these proposals for local authorities to allow all children to access extracurricular activities and we would like to see particular emphasis placed on provision for pupils with special educational needs/disabilities in this Measure. Making it clear that pupils who access free home to school transport and/or receive reasonable adjustments to support them to travel to and from school have equal access to extra curricula activities include breakfast club, after schools clubs and sporting activities. Local authorities should work closely with the school to ascertain what additional activities a child may wish to undertake and also those that may be particularly beneficial to a pupil e.g. if the school operates a social skills club or after school club this is something that pupils with autism in particular may benefit from due to their social difficulties. However, by precluding them from accessing these additional activities this is preventing them from accessing support that may directly help them. This also would mean that pupils with SEN would be treated less favorably than other pupils due to the travel arrangements provided by the LEA.

Taking account of the individual needs of pupils with special educational needs and disabilities when making transport arrangements. In addition, taking account of pupils needs in strengthening safeguards for behavior and discipline on school buses, whilst protecting students from bullying.

Consideration must be given to the environment young people with autism travel to school in. Account must be taken of pupils special educational needs in considering appropriate travel arrangements for young people and how any behavioural difficulties accounted for.

For instance, 11% of carers in a recent survey indicated that transport triggered behavioural difficulties for the person they care for. In addition, a high proportion of children with autism experience sensory problems, which can have a significant impact on behaviour and communication. Hyper-sensitivity to different sensory stimuli such as light, sound or touch can make journeys stressful or painful. Children with autism are often unable to block out or 'select' sensory information and are easily overwhelmed. For such children a noisy, crowded school bus can be an extremely stressful experience, and the induced anxiety may manifest in behavioural problems.

Real life example: Sensory difficulties

Pupil A has an autistic spectrum disorder and associated sensory difficulties that mean he has difficulty coping with noise and crowds. His school transport arrangements have been changed so that he now travels with ten other pupils. As a result he finds the journeys extremely stressful and this impacts on his behaviour. In response the LEA provides an untrained escort to manage his escalating behavioural difficulties, but this simply adds to the number of people he has to cope with. Linking codes of conduct on school buses, with school behaviour policies provides an opportunity to address some of the difficulties that young people with special educational needs face. This is particularly the case for young people with autism who often face bullying on school transport. In a recent survey, NAS Cymru found that over 40% of children with autism had been bullied at school³. Policing behaviour and bullying to enable all young people to travel to school in a safe environment is an important challenge. We welcome the inclusion of specific reference to codes of conduct including provision for tackling bullying. This issues could also be included in any accompanying guidance for authorities around codes of conduct. In a stressful environment pupils with autism may adopt self-injurious behaviours in order to cope with increased anxiety. They may also display coping behaviours such as repetitive movements and this may well provoke teasing and bullying. The social communication impairments inherent in autism make children on the spectrum particularly vulnerable to bullying. Pupils with autism struggle with the social skills that they need in order to communicate and interact with peers, so unstructured and unsupervised time such as break times are particularly difficult. Therefore, pupils with autism are likely to find travelling on mainstream transport with their peers difficult, given the informal social situation and a lack of supervision or support. LEAs should be discouraged from adapting travel arrangements for children with disabilities where this significantly increases risk. The above issues must therefore be taken into account by local authorities and schools when developing codes of conduct.

Concluding Comments

NAS Cymru feels that this Measure provides a good opportunity to clarify the legislative framework relating to Learner Travel in Wales, however would emphasise in order for the Measure to be successful in doing so, it must effectively address the needs of pupils with special educational needs and disabilities. For further information, please contact: Liz Withers

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