



# **Travel Assistance Policy for Children and Young People with an Education Health and Care Plan (EHCP): 0-25 years**

**September 2019**



# **Travel Assistance Policy for Children and Young People with an EHCP: 0-25 years**

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# **Travel Assistance Policy for Children and Young People with an EHCP: 0-25 years**

## **Introduction – Our approach and commitment**

### **Our approach**

Local authorities in England have a statutory duty to provide home to school travel assistance to children and young people who meet certain eligibility criteria which are set out in this policy.

This policy sets out a variety of assistance options designed to respond and adapt to the diverse needs of the county's pupils as they develop and progress. It recognises that whilst door-to-door transport assistance will continue to be appropriate for some children and young people, many others will be able to benefit from alternative forms of assistance.

With increasing numbers of children and young people becoming eligible for transport assistance, there is also a need for Surrey County Council ("Surrey") to develop a more sustainable approach to transport assistance, so that it can continue to support the county's more vulnerable children and young people in the most effective way possible.

Key features of this policy are:

- ☐ travel assistance for children and young people with an Education, Health and Care Plan (EHCP) aged 0- 25 under one policy
- ☐ travel assistance options designed to support Surrey's children and young people
- ☐ a collaborative way of working with parents and carers, where appropriate, including:
  - support for parents/carers to transport their own child or young person to school, college or placement
  - flexibility around sharing school/college runs
  - flexibility and support for families with children/young people attending special and mainstream schools in different locations
- ☐ comprehensive independent travel training offer, designed to prepare children and young people for adulthood and independence
- ☐ a protocol for exceptional needs and circumstances

### **Our commitment**

Surrey is committed to working closely together with parents, carers, schools and colleges to ensure that:

- ☐ children and young people are safe and supported to access education;
- ☐ all children and young people arrive at school/college/placement on time and ready to learn;
- ☐ parents and carers have confidence in their child/young person's travel assistance offer.

Surrey recognises that:

- ☐ travel assistance should respond and adapt to the needs of children and young people as they develop and progress;
- ☐ Surrey has a duty to support and enable young people to develop and achieve independence, where this is appropriate;
- ☐ the best outcomes for children and young people will be achieved through working closely together with parents, carers, and young people to effectively plan and deliver appropriate travel assistance.

Surrey also has a duty to:

- manage public money responsibly;
- provide value for money services;
- promote the use of sustainable travel and transport.

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This requires a common understanding among families, young people, Surrey and its partners of the resources available to Surrey in meeting its statutory duties.

### **What does the policy contain?**

The policy sets out:

- who is eligible for travel assistance under this policy
- what travel assistance options are available
- how to apply for this assistance
- how decisions are made
- how to raise any concerns about these decisions

This policy details the travel assistance that is available for children and young people aged 0-25 who have an Education, Health and Care Plan (EHCP) from September 2019. It sets out the arrangements, entitlements, limitations and processes to assist parents and carers, or young people, to navigate Surrey's travel assistance offer.

### **What is covered by this policy?**

This policy came into effect in September 2018. This policy only applies to travel to school, college or placement. All other forms of travel and transport are excluded without exception. Travel assistance can only be provided based on the assessed need of the child or young person, and not on parental/carer preference.

Surrey recognises that every child and family is unique, so whilst this policy will fit the circumstances of most families who meet the criteria for assistance, it has also developed an 'Advanced Needs/Exceptions Protocol' to provide a solution to exceptional needs.

This policy has been developed through extensive consultation with parents and carers, and the travel assistance offer takes into account families' views.

The policy has also been informed by the relevant legislation and guidance:

- ☐ Home to School Travel and Transport Guidance - Statutory Guidance for Local Authorities (July 2014)
- ☐ Post -16 Transport and Travel Support to Education and Training Statutory Guidance for Local Authorities (January 2019)
- ☐ SEND Code of Practice: 0 to 25 (2015)
- ☐ Sections 444, 508A, 508B, 508C, 508D 508F 508G 508H, 509 AA 509AB (as amended by the Apprenticeships, Skills Children and Learning Act 2009)
- ☐ Sections 509AC & 509AD (as amended by Section 84 of the Education and Inspections Act 2006) and Schedule 35B of the Education Act 1996 (the Act), as inserted by Part 6 of the Education and Inspections Act 2006 (the EIA 2006)
- ☐ Regulation 5 and Part 2 of Schedule 2 to The School Information (England) Regulations 2002, as amended
- ☐ Equality Act 2010
- ☐ School Admissions Code
- ☐ European Convention on Human Rights
- ☐ The School Travel (Pupils with Dual Registration) (England) Regulations 2007
- ☐ Public Service Vehicles (Carrying Capacity) Regulations 1984
- ☐ Section 48 of the School Standards and Framework Act 1998
- ☐ Children and Families Act 2014

# **Travel Assistance Policy for Children and Young People with an EHCP: 0-25 years**

## **Section 1: Who is eligible for travel assistance under this policy?**

### **General principles**

To ensure that the assessment of who requires assistance with travel is fair and transparent, Surrey uses measures called “eligibility criteria”. These measures are set out below.

To be assessed for travel assistance under this policy, children and young people must:

- ☐ be resident in the county of Surrey;
- ☐ continue to hold an Education Health and Care Plan (EHCP).

Children and young people with special educational needs or disabilities (“SEND”) who do not have an EHCP may be eligible for assistance with travel under Surrey’s mainstream transport policies which are available at [www.surreycc.gov.uk/schooltransport](http://www.surreycc.gov.uk/schooltransport).

Parents/carers are responsible for ensuring that their children receive an education. Generally, families are expected to make their own arrangements to ensure their child/young person is regularly attending their education placement.

To assist with this, Surrey provides free bus passes for disabled children and young people. The pass entitles the holder (and a companion in some circumstances) to free bus travel between 09.30 and 23.00 Monday to Friday and at any time at weekends and on public holidays. Parents/carers and young people can apply for a free disabled persons bus pass through Surrey’s [website](#).

However, Surrey has a statutory duty to make free travel arrangements for children and young people who meet the categories for support as set out in the [‘Department for Education’s Guidance on Home to School Travel for children aged 5-16’ \(July 2014\) \(Part 1\)](#) and [‘Post-16 Transport and Travel Support to Education and Training’ \(January 2019\) \(See: ‘Local Authority Responsibility’ and ‘Specific Consideration of Learners with SEND’\)](#).

In addition, Surrey may consider assistance for those children or young people who do not meet the statutory criteria, on an exceptional basis.

How to apply for travel assistance is covered in section 3 of this document; set out below are the criteria, or measures, by which children and young people will be assessed for each age group:

- 1) pre-school children (under 5)
- 2) statutory school age children (5-16)
- 3) young people age 16-18
- 4) young people age 19-25

## **Travel Assistance Policy for Children and Young People with an EHCP: 0-25 years**

### **1) Pre-school children attending a nursery or early years' education placement**

Travel assistance for children under the age of five is discretionary as local authorities have no legal duty to provide or arrange free transport for children who have not yet reached statutory school age. However, travel assistance applications may be considered for children below statutory school age who are attending a nursery or early years' education placement in some exceptional circumstances. It is expected that such children will already have an EHCP, but other situations may be considered.

In considering these circumstances, Surrey will need to be satisfied that, without such assistance, the child would be prevented from attending an appropriate nursery or early years' education placement.

In considering the type of travel assistance for pre-school children, the following factors will be taken into account:

- the age of the child;
- the distance between home and nursery;
- the SEND of the child;
- the reasons for the pre-school education placement; and
- whether the child has siblings of an age where it is not reasonable to expect them to travel alone attending school(s) a significant distance away from the provision proposed for the child.

### **2) School-aged children with an EHCP (4-16)**

Compulsory school age begins at the start of term following a child's fifth birthday and ends on the last Friday in June of the school year in which a child or young person turns 16. However most children start school in the September after they turn four years old and, where they do so, travel assistance will be considered in line with this policy.

There are 4 categories which may determine if children aged 4-16 are eligible for travel assistance:

- statutory walking distance eligibility;
- SEND or mobility problems eligibility;
- unsafe route eligibility; or
- extended rights eligibility.

Eligibility and supporting travel assistance may be reviewed periodically or as and when appropriate, however due consideration will be given for children and young people with continuing complex needs. This is to confirm whether a child or young person continues to be eligible for travel assistance, and where eligible, that the type and level of assistance is most appropriate to their needs as they develop and progress.

#### **Statutory walking distances category**

Surrey is required to provide free transport for all pupils of compulsory school age (5-16) if, when measured by the shortest safe walking distance, their nearest suitable school is:

- **beyond 2 miles, if below the age of 8; or**
- **beyond 3 miles, if aged between 8 and 16.**

## **Travel Assistance Policy for Children and Young People with an EHCP: 0-25 years**

The nearest suitable school is defined as the nearest school, measured by the shortest road route, with places available and which Surrey deems to provide education appropriate to the age, aptitude, and ability of the pupil, and any special educational needs or disability or mobility problems he or she may have.

When establishing whether the nearest suitable school is within statutory walking distance, the distance between home and school will be measured by the shortest available safe walking route, accompanied as necessary. The route may include footpaths, bridleways, and other pathways, as long as it is safe to walk along them.

### **SEND or mobility problems category**

Surrey must make transport arrangements for all children who cannot reasonably be expected to walk to their nearest suitable school because of their mobility problems, or wider health and safety issues, related to their SEND (which should be recorded in their EHCP). Eligibility for such children will be assessed on an individual basis to identify their particular travel requirements, and may require a medical assessment.

### **Unsafe route category**

Surrey is required to make transport arrangements for all children who cannot reasonably be expected to walk to their nearest suitable school because the nature of the route is deemed unsafe to walk.

### **Extended rights eligibility**

Surrey is required to provide free transport where pupils are entitled to free school meals or their parents/carers are in receipt of maximum Working Tax Credit if the nearest suitable school is:

- **over 2 miles away (for children over the age of eight and under 11);**
- **between 2 and 6 miles away (for children aged 11-16 where there are not three or more suitable nearer schools); or**
- **between 2 and 15 miles away, and it is the nearest school preferred on the grounds of religion or belief (for children aged 11-16).**

Where there is reference to 2 miles, the distance is measured by the shortest safe walking route, accompanied as necessary. Where there is reference to 6 or 15 miles, the distance is measured by the shortest road route.

### **Accompaniment**

When assessing if a child/young person is eligible for transport assistance under the 'SEND or mobility problems' or 'Unsafe walking route' categories, Surrey will consider if the child/young person could reasonably be expected to walk if accompanied by an adult. If so, the general expectation is that a child/young person will be accompanied by a parent/carer where necessary, unless there is a good reason why it is not reasonable to expect the parent/carer to do so.

Where a parent/carer's health condition, SEN or disability prevents them from accompanying their child along a walking route that would otherwise be considered unsafe without adult supervision, Surrey may provide free home to school transport assistance for the child/young person.

## **Travel Assistance Policy for Children and Young People with an EHCP: 0-25 years**

### **3) Young people age 16-18**

#### **General duties and arrangements for young people age 16-25**

The compulsory school age ends on the last Friday in June of the school year in which a child or young person is 16. However, young people are now required to stay in education or training until their 18<sup>th</sup> birthday.

To support this, Surrey has a duty to specify the arrangements for the provision of transport assistance to enable all young people of sixth form age to attend education or training of their choice, and to ensure that if support for access is required, that this will be assessed and provided where necessary.

This duty applies to arrangements for young people over compulsory school age, age 16 to 18, as well as continuing learners under the age of 25 who started their programme of learning before their 19th birthday. To meet this duty, Surrey publishes a 'Transport Policy Statement', available on its [website](#).

The local authority will ask learners who are starting a new course of study in the 2019/20 academic year and their parents/carers to contribute towards transport costs during 2019/20, as follows:

- £543.30 for the academic year for students whose families are in receipt of the maximum Working Tax Credit and/or who continue to meet the eligibility criteria for Free School Meals; students in care; care leavers; those on Income Support/Universal Credit in their own right; disabled young people who receive Employment Support Allowance/Universal Credit and either Disability Living Allowance or Personal Independence Payment in their name; or
- £751.50 for the academic year for all other students.

This charge will not apply to learners in the 2019/20 academic year if they are receiving travel assistance for a course that they started before September 2019. However where travel assistance is provided for a student aged 16 or over with an EHCP from September 2020 (whether on a new or continuing course), Surrey will introduce a charge.

#### **Continuing in education and training Post-16**

Where there is a current entitlement to travel assistance, the entitlement will continue until, and including, the end of the academic year in which the young person turns 16 years old.

Where a pupil who has previously been assessed as eligible for travel assistance remains based at the school named in their EHCP beyond their 16th birthday, Surrey will ordinarily continue to arrange their transport until the end of the academic year in which they turn 19 years of age. However, it should be noted that current entitlement does not indicate future entitlement, and pupils in Year 11 staying on in education will need to reapply for travel assistance on an annual basis.

Where a young person changes school/college after 16, his or her eligibility will be re-assessed, and he/she will also need to reapply for travel assistance each year.



## **Travel Assistance Policy for Children and Young People with an EHCP: 0-25 years**

### **Additional assistance for young people with an EHCP**

Many young people who have an EHCP are able to travel independently using public transport, and Surrey encourages parents and carers to work with the local authority to support young people to do so, where appropriate. These young people are expected to take advantage of the following available schemes:

- **Surrey Student Fare Card** - reduced rate travel to the education provider for young people aged 16-18. For more information and to apply online go to: [www.surreycc.gov.uk/studentfarecards](http://www.surreycc.gov.uk/studentfarecards)
- **Disabled person's bus pass** - travel for free on buses anywhere in Surrey between 09.30 and 23.00 Monday to Friday and at any time at weekends and on public holidays. If a pass holder has difficulty travelling a companion could be entitled to travel with them. Please go to [www.surreycc.gov.uk/freebuspass](http://www.surreycc.gov.uk/freebuspass) for information on eligibility and how to apply. A number of bus operators offer a reduced fare to disabled person's bus pass holders before 09.30 on weekdays. Please check with your local bus operator for current offers.

However, Surrey recognises that some young people will require additional support with travel to education, and will work with the parents, carers and young person to arrange this. In order to be considered for travel assistance, a young person needs to:

- be resident in Surrey, and continue to hold an EHCP;
- have started their current programme of education/training prior to their 19<sup>th</sup> birthday;
- be attending the nearest appropriate qualifying education provider (unless agreed otherwise and stipulated within the EHCP) that is more than three miles walking distance from their home, unless the young person's disability impacts on their ability to walk this distance, or if the walking route is deemed unsafe;
- be attending a full-time, non-advanced, publicly funded course of at least one academic year's duration (a full time student is one enrolled on a programme of at least 540 study hours); and
- not be in receipt of help towards their travel costs from any other source (with the exception of Surrey's Student Fare Card).

A qualifying education provider is:

- a publicly funded school (including an academy);
- a publicly funded further education institution;
- a local authority maintained or assisted institution providing further education;
- an establishment in direct receipt of government funding, for example independent specialist providers for learners with learning difficulties and /or disabilities;
- a learning provider that is funded by the local authority to deliver accredited programmes of learning which lead to a positive outcome (this could include colleges, charities and private learning providers).

Where it is agreed that additional assistance is required, this will normally take one of two forms:

- reimbursement of train and/or bus travel, where students are able to travel independently on public transport;
- independent travel allowance where students are not able to travel independently, but where parents or carers are able to provide transport.

In exceptional cases, Surrey may make alternative arrangements, which may include contracted minibus or taxi transport where appropriate, to support the young person to access their education.

## **Travel Assistance Policy for Children and Young People with an EHCP: 0-25 years**

When assessing the type of travel provision to be offered, Surrey will consider a range of factors including, but not limited to:

- the age and maturity of the young person;
- their aptitude and ability;
- the young person's SEND;
- the duration and safety of the route that needs to be taken.

If transport assistance is agreed, shared transport will be arranged for groups of young people travelling to and from the same area to the same school/college, wherever possible. Unless there are exceptional circumstances, school/college transport will only be organised for the start and end of the school/college day. Students are expected to use any free time to study if they do not have lessons or lectures.

### **4) Young people age 19-25**

Transport assistance may continue to be provided up to the end of the academic year in which a young person turns 19 years of age. However, Surrey recognises that a learner with special educational needs and disabilities may take longer to complete a programme of learning or training, therefore Surrey may extend the transport arrangements until a learner has completed their programme, even if that is after they have reached the age of 19.

With regard to adult learners age 25 and under with an EHCP, Surrey will also make transport arrangements, and otherwise it considers necessary, for the purpose of facilitating their attendance at institutions where they are receiving education or training outside the further and higher education sectors. This only applies to circumstances where the local authority has secured education or training at that institution and the provision of boarding accommodation in connection with that education or training.

## **Exceptional needs and circumstances**

Where this policy does not address the needs of children and young people applying for assistance, and where it is believed that exceptional circumstances apply, parents/carers or young people will be asked to complete a Home to School/College Transport – Exceptional Needs form available from the SEND Travel Assistance Team.

Exceptional needs might include, but are not limited to:

- exceptional social or medical circumstances affecting the child/young person or their parent/carer;
- health needs/disability/circumstances affecting the child's or young person's sibling(s) or other close family members who are dependent upon the parents/carers;
- exceptional financial difficulties; or
- other factors that are likely to significantly impact on the parents'/carers' ability to meet their responsibilities in getting their child or young person to their education provider.

Evidence will be required and may be gathered from a range of professionals, and appropriate verification of any information that is relevant to the application will be required as part of this process.

This evidence must confirm the circumstances of the case and must demonstrate why travel assistance is required. Providing evidence does not guarantee that a child or young person will be given travel assistance, and each case will be considered individually, and a decision made based on the supporting evidence. Any request for exceptional consideration will be considered as part of the Appeals process detailed in Annex 2.

## **Travel Assistance Policy for Children and Young People with an EHCP: 0-25 years**

Travel assistance agreed on an exceptional basis will be put in place for a maximum period of 12 months, and will be reviewed after 12 months, or when appropriate.

As part of this review, parents/carers or young people will be expected to provide relevant supporting information if requested and, if this is not provided, Surrey reserves the right to withdraw the travel assistance.

### **Temporary travel assistance**

There may be circumstances where travel assistance may be provided to children and young people if they are experiencing short-term difficulties, as outlined below:

- **Children and young people who do not normally receive travel assistance:** if they have short-term difficulties (for example, a short-term illness or health difficulty) they may be eligible for transport assistance to and from school/college.
- **Children and young people receiving minibuss transport provision from a collection point:** if a child/young person is temporarily unable to get to and from their normal collection point (for example, due to a broken leg or other short-term illness or injury, or related to their SEND needs), then temporary assistance may be offered as a replacement for this service.

However, where parents/carers are not able to take their child or young person to a collection point for onward transport to school/college by minibus, no temporary assistance will be provided, except in exceptional circumstances based on the needs of the family. This is because the child's SEND has not changed, and the transport service from the collection point is still available.

- **Children and young people who have temporarily changed address:** where a child/young person who normally receives travel assistance moves to a different address on a short-term basis, continued assistance will not be provided to the new address automatically if this results in additional travel costs. In exceptional circumstances (i.e. ongoing parent/carer illness etc.) Surrey will seek to provide alternative assistance, otherwise the parent/carer or young person may be expected to make their own transport arrangements.
- **Families or young people who receive travel allowances or personal budgets:** temporary assistance may be provided in those instances where parents/carers or young people cannot transport their child/themselves to and from school/college due to a short-term illness. This will take up to ten working days to be put in place, though it will be done sooner if possible.

To apply for travel assistance in these circumstances, parents and carers will need to complete an Exceptional Needs form available from the SEND Travel Assistance Team.

### **Circumstances affecting eligibility**

#### **Change of address**

If a family or young person has moved to an address within a different local authority area, the responsibility for their EHCP and their home to school/college transport transfers to the local authority area in which they are residing. This is because the family or young person has become ordinarily resident in the new area. This is the case regardless of which local authority is paying housing costs.

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The address where a child or young person usually lives is judged to be their ordinary residence, whether this is of a short or long duration (apart from temporary or occasional absences). Where a child/young person has parents/carers living at more than one address, the address they spend the majority of their time when attending school or college shall be considered the habitual home address.

Where a child splits their time equally between addresses, transport will be assessed from the address which is registered with the school as the home address or, prior to admission, the address used on the relevant school admission application form.

### **Dual and link placements, inclusion, and pupil referral units**

Dual placements are where a child or young person attends more than one school or where a school arranges a college link placement for a pupil. Dual placements may require additional transport assistance, such as transport at earlier or later times or during the school day. Schools are responsible for arranging and paying for the cost of such transport. Where a pupil is on the roll at one school but visits another school or college for inclusion or link purposes, the school where the pupil is usually based will be responsible for arranging and paying for transport. These arrangements also apply to pupil referral units. Any exceptions to this would need to be considered and agreed by the Local Authority on a case-by-case basis.

## **Section 2: What travel assistance options are available?**

Parents and carers have a legal duty to ensure that the children and young people for which they have responsibility are accessing education. The local authority has a statutory duty to make suitable transport arrangements for children and young people eligible for assistance.

Therefore, Surrey expects parents/carers and the local authority to answer the question together:

### **“How are we planning to get your child/young person to school, college, or other educational placement?”**

Surrey’s travel assistance offer provides a range of flexible options to families and young people who are expected to work together with Surrey to ensure that the most suitable and cost effective support is put in place to meet each child’s or young person’s needs. While it may not be practical to meet all expectations, this approach commits Surrey to be clear about the options, constraints, and the reasons for decisions.

Travel assistance may take one of the following forms, and Surrey will work together with parents and carers to identify the most appropriate option to best support their child/young person’s needs and ongoing development:

- **Collaborative transport assistance:**
  - sharing transport arrangements between the family and Surrey;
  - support with transporting mainstream child/young person;
- **Independent Travel Allowance** - can be used flexibly by families and young people to help fund their own transport arrangements;
- **Independent travel training** – training to travel independently on foot, by bicycle or public transport;

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- **Provision of a contracted minibus, private hire vehicle, or taxi, including:**
  - pick-up and drop-off from/to a collection point, or central location locally;
  - individual taxi, private hire vehicle or minibus for groups of children/young people;
  - individual taxi, private hire vehicle or minibus for solo travellers - in exceptional circumstances only.

Further information is provided about each of the options below.

### **Collaborative travel assistance**

The best method of transport for a child or young person is usually via their parents/carers, family members or other trusted people they know. Therefore, Surrey has flexible options to better support families to do this, where possible.

- **Sharing transport between the family and Surrey**

Surrey recognises that due to personal circumstances, it is not always possible for some parents/carers to transport their own children/young people all the time. However, parents/carers may be able to transport their child or young person for some of the journeys each week (e.g. mornings or afternoons, or on set days of the week). Where this is possible, Surrey will then provide assistance to cover the journeys parents/carers are unable to complete.

Where such an agreed arrangement with the parent/carer is in place, Surrey expects parents/carers to undertake the routes they can complete consistently. Parents/carers will need to ensure all journeys are covered as Surrey is unable to provide cover, except in exceptional circumstances (i.e. parent/carer has a short-term illness).

The independent travel allowance will be available to parents/carers and young people who meet the scheme's criteria to assist them in undertaking their elements of the shared transport.

- **Flexibility to transport mainstream or EHCP children and young people**

Surrey recognises that it can be a challenge for parents/carers with multiple children to take two or more children to more than one school/college. Therefore, Surrey will allow parents and carers with a child with an EHCP to have the offered assistance used for either their EHCP or mainstream child(ren), as long as transporting the mainstream child is a more economic use of public money.

### **Independent Travel Allowance**

This scheme is designed to support parents/carers, where necessary, in meeting the costs of transporting their eligible child/young person to school/college, or to assist an eligible young person to get to school/college, where other more cost-effective solutions are not available or suitable.

The scheme offers a flexible allowance to parents/carers or young people to make their own transport arrangements as they see fit, and could be used towards any one of the following arrangements:

- parental/carer transport;
- family or trusted friends' transport;
- community representative transport (neighbours or informal networks);
- school or training provider transport.

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Any arrangements made using the Independent Travel Allowance will be the responsibility of the person receiving the allowance.

The allowance is based on a flexible, banded model where the amount of contribution received depends on the distance between the child/young person's home and education setting. Further information on the allowance is available from the SEND Travel Assistance Team.

If the arrangements made using the allowance are not available at any time, then alternative arrangements must be made, as Surrey is unable to provide cover. If the arrangements become permanently unavailable, then a new application for alternative travel assistance will need to be made.

### **Independent Travel Training**

Independent travel training provides children and young people with tailored and practical assistance to travel safely and without anxiety by public transport, on foot, or by bicycle, to school, college, or placement; as well as socially, to access other key services and connect with friends and family.

Independent travel is an essential life skill, and helps to better prepare children and young people for adulthood, and for accessing further education and employment by raising their confidence in their abilities.

Surrey has commissioned a specialist provider, HCT Group, to provide bespoke, one- to-one travel training to children and young people with SEND.

Surrey, working together with HCT and schools/colleges, will identify children and young people who it reasonably believes, based on their needs and other practical considerations, should be able to successfully travel to school/college safely after training.

Surrey will consider the following criteria when considering which pupils should be offered independent travel training opportunities:

- existing level of independent travel skills;
- age of the pupil;
- distance between home and school;
- SEND of the pupil;
- the route that would need to be followed;
- journey times using public transport (should not exceed the maximum journey times detailed in this policy)

If a child/young person is identified as potentially suitable for travel training, their parent/carer will be contacted by Surrey to arrange a consultation with the training provider. The purpose of the training consultation will be to confirm whether or not the child/young person is suitable for independent travel training, and will involve the parents/carers, school/college, and the young person, where appropriate.

Where a child or young person is identified as potentially suitable for independent travel training, parents and carers will be expected to work together with Surrey and training provider to support their child/young person to undertake the training consultation, where reasonable and appropriate.

Once a child/young person has been confirmed as suitable for independent travel training, they will be supported to undertake this programme of training. If they are not ready or

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suitable for training, the following will apply in order:

1. where appropriate, a future review date will be set, after which there may be a follow-up consultation;
2. until then, they will be provided with alternative travel assistance in accordance with this policy.

### **Provision of a contracted minibus, private hire vehicle, or taxi**

Where other alternative options are not suitable, Surrey will organise transport for eligible children and young people. This will be in the form of a licensed coach, minibus, private hire vehicle or taxi.

Pupils will be expected to travel with other children/young people attending the same, or nearby school/college, unless there are exceptional circumstances supported by clear evidence that prevent a child/young person from travelling in this way.

Where possible and appropriate, shared transport may be arranged for some routes on the basis of a pick-up/drop-off point, or a central collection point locally, to improve the efficiency of the route and to reduce journey times for pupils.

Where a pick-up/drop-off point, or central location point, is not appropriate or suitable, the transport will be arranged from and to the home address.

Only in exceptional circumstances will transport be arranged for solo travellers, with or without a passenger assistant.

### **Solo transport**

It is not possible to provide personalised one-to-one transport as a matter of course. Children and young people will travel to and from their education placement with other children and young people unless there are exceptional circumstances where it would not be reasonable to expect an individual to do so, based on the needs detailed in their EHCP.

### **Passenger assistants (Escorts)**

Passenger assistants (formerly escorts) will be provided on some transport routes, but there is no automatic entitlement. The provision of a passenger assistant on a route is based on several factors, including:

- the age of children/young people on the route
- the distance between home and education placement;
- information provided on the travel assistance application form and the Personal Travel Plan;
- the SEND of the children/young people on the route;
- the number of other passengers travelling on this route.

There is no minimum or maximum age that determines whether a passenger assistant will be provided, and Surrey will consider age in conjunction with all the factors listed above in making its decision.

Where a child/young person travels on his or her own, Surrey encourages parents or carers, (or a person known to the pupil and aged 18 or over), to act as his or her passenger assistant where possible. Payment is not made in such cases. Provision of a passenger assistant at any one time does not guarantee that this will be an ongoing arrangement; the

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requirement will be re-assessed each academic year, and in the event of any change in circumstances.

### **Personal Travel Plans**

Personal Travel Plans (PTPs) are intended as a collaborative advisory tool to help Surrey design the appropriate transport assistance and make a child's/young person's experience the best that can be achieved within the Travel Assistance Policy and resources of Surrey. The plans do not constitute an agreement or commitment to a specific level of assistance.

A Personal Travel Plan will be used to capture essential information about the child/young person that is relevant to their travel needs, and will be developed together with parents and carers, and in consultation with the child/young person's school/college. A PTP will be completed in preparation for putting in place assistance by minibus or taxi.

Each plan will specify the following:

- the needs of the child/young person that a transport planner/provider needs to know in order to ensure a supportive and safe level of assistance;
- strategies to support the child/young person's calm and comfortable travel;
- strategies to promote and develop a child/young person's independence;
- any equipment or resources needed to support a child/young person's needs; and
- any factors the family would like to be considered in the planning and delivery of transport assistance (this is guidance only and not a commitment).

PTPs must be accurate and reflect the true needs and independence capacity of the child or young person. Plans should be reviewed once per academic year, to reassess the nature of transport assistance required to complement the child/young person's development and adapt to their needs as they change.

### **Section 3: How do I apply for travel assistance?**

Families and young people should first read section 2 of the Travel Assistance Policy which details the eligibility criteria, or measures, used to evaluate whether travel assistance is required. If they do this and believe they are entitled to assistance, then the appropriate application form must be completed –

- Under 16 form – for ages 5-16
- Post-16 form – for ages 16-25

These forms are available on Surrey's website, or from the SEND Travel Assistance Team.

If the option of contracted transport is agreed, this will take up to ten working days to be put in place, though it will be done sooner if possible. However, during the very busy summer period, transport arrangements may take longer than ten working days.

### **Section 4: How are decisions made?**

Once a completed application form has been received, eligibility for travel assistance will be assessed by the SEND Travel Assistance Team. The information on the form, along with any additional information subsequently requested, will be used to decide whether a child/young person is eligible for travel assistance. The SEND Travel Assistance Team will contact applicants to confirm whether the child/young person is eligible for travel assistance. The team will then discuss the assistance options with the parent/carers or young person to



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agree an appropriate level of assistance. This will be confirmed in writing.

Exceptional needs transport will be assessed by the SEND Travel Assistance Team in accordance with the Appeals process which is detailed in Annex 2.

### **Section 5: How to raise concerns about the decisions made**

If a decision is made that a child or young person is not eligible for travel assistance, then parents/carers or young people will have the option to make a request on exceptional grounds using the Appeals process which is detailed in Annex 2 of this policy document.

Where a child or young person is eligible for travel assistance, then it is expected that a suitable level of assistance will be jointly agreed between the SEND Travel Assistance Team and the applicant, in line with the Travel Assistance Policy.

If, however, a parent/carer or young person is not satisfied with the assistance arrangements that are either proposed, or that have been put in place, because they do not sufficiently meet the needs of the child or young person, then they can also make a request using the Appeals process.

It is Surrey's intention to work restoratively with parents/carers to resolve any concerns or disagreements about transport arrangements.

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## **Annex 1 - Implementing the Policy**

### **Transport management**

The SEND Travel Assistance Team is the first point of contact for parents/carers, schools/colleges for travel assistance issues relating to eligibility and the agreement of the appropriate travel assistance option. Issues relating to transport arrangements or providers must be raised with Surrey's Transport Coordination Centre.

### **Pick-up and drop-off arrangements**

Transport companies are authorised to make pick-ups and drop-offs from authorised points only for each child or young person. The authorised points will usually be those specified in the Personal Travel Plan, normally the home address and school address, but could also be an allocated bus stop or pick-up/drop-off point, where appropriate.

Parents and carers should provide one alternative address wherever possible, which must be within one mile of the usual home address, to be used if the parent/carer is not at home, or at the pick-up/drop-off point to meet their child or young person.

Where a collection point is identified, it is the parent's or carer's responsibility to make sure that their child/young person travels to and from the collection point safely. The needs of the child will be taken into consideration when determining suitability for this type of assistance.

### **Timing**

The timings for pick-up and drop-off will be specified by the appropriate transport company's controller, and parents and carers must ensure that they are aware of the correct times. Times may change if new passengers join a route or if passengers leave a route.

Timings will be based on the most efficient route available. The efficient planning of routes is a priority, especially as it is important to minimise the time that passengers need to spend on transport on every route.

Where children or young people are picked up and dropped off at home, the parent or carer is responsible for accompanying their child/young person to and from their door to the vehicle.

Parents and carers must ensure that there are no unreasonable delays in making their child or young person available for the journey (or collecting them in the evenings), as this can affect the total journey times for other children/young people, and can have a detrimental effect on how other passengers manage the remainder of their journey.

To minimise journey times for every passenger on the transport, children or young people are required to be available within three minutes of the specified pick-up window, and parents or carers are required to be available within three minutes of the specified time of drop-off. If the passenger, parent, or carer is not available within that time, the transport companies will attempt to make telephone contact with the parent or carer to find out if there is a particular difficulty on that morning/afternoon.

In some exceptional cases, to recognise the needs of an individual pupil, the three-minute waiting time may be adjusted and the transport company informed.

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If the driver is unable to make direct contact with the parent or carer, the driver is instructed to leave that pick-up/drop-off point and move onto the next point. Should the transport move on without a passenger, transport to school or college will then become the responsibility of the parent or carer or young person for that individual journey.

If the parent or carer is unavailable for pick-up on school to home journeys, the child or young person will be transported to the alternative address, if provided, or the nearest place of safety. Children's Social Care services may be notified and/or transport assistance withdrawn if this happens frequently. Parents/carers, or schools/colleges should contact the transport company's controller or Surrey's Transport Coordination Centre if there are any emergency changes. The controller will have a duty to advise parents, carers, and schools if there are going to be any foreseen delays to the delivery of the service.

In some cases, it may not be legal or safe for the transport to stop directly outside a passenger's home. In these cases, parents and carers are required to walk with their child or young person to the safest nominated collection point, as specified by the transport company.

### **Journey times**

Best practice suggests that the maximum each way length of journey for a child of primary school age should be 45 minutes, and for secondary school age 75 minutes. However, this may be affected from time-to-time by congestion, road works, and other environmental and operational conditions. For children with SEN and /or disabilities, journeys may be more complex and a shorter journey time, although desirable, may not always be possible.

This also applies to children/young people travelling from a collection point, where the overall journey time should include the time it takes for the child/young person to get to and from the collection point.

It may be deemed acceptable for a trip to exceed the maximum journey times if it is considered that the additional time does not place undue stress, strain or difficulty on the pupil that would prevent them from benefitting from the education.

These journey times do not apply to children/young people travelling to out-of-county placements, where distances and the frequency of journeys will vary. Routes consistently longer than the stated times may be reviewed periodically.

### **Absences**

Where a child or young person is not attending school or college on any particular day, or for longer, due to a planned absence (for example, medical appointments), it is the parent's, carer's or young person's responsibility to inform Surrey's Transport Coordination Centre as soon as possible so that the transport can be cancelled.

Where a child or young person cannot attend school or college on any particular day for an unplanned reason (for example, due to illness), it is the parent's, carer's or young person's responsibility to contact Surrey's Transport Coordination Centre as soon as possible. For long-term absences, parents or carers should contact Surrey's Transport Coordination Centre to discuss how long to pause the service.

Parents and carers should note that all transport that is not cancelled in advance of the vehicle arriving at the home address must be paid for by public money, regardless of

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whether the child/young person boards the vehicle.

Where parents or carers repeatedly fail to cancel transport provision for their child before it arrives at their home address, or where a pupil suddenly refuses to travel in transport which has arrived on any given day (without any prior notice having been given to the transport company), the pupil's transport provision will be reviewed if the reason is unrelated to their SEND needs.

### **Medical needs assessments**

Where Surrey agrees to provide contracted transport for a child or young person with significant medical needs, it may be necessary to first commission a medical needs assessment. Until this assessment is completed, transport between home and school/college will be the responsibility of the parents or carers. The Independent Travel Allowance will be made available to support parents in these circumstances.

Some pupils with SEND have physical and medical conditions which deteriorate over time. If, at any point, it is felt by the SEND Travel Assistance Team that a further assessment may be necessary to ensure that a child's physical and medical needs are being met on board transport, this assessment will be requested and completed. Until the recommendations from this updated assessment are available, it will be the responsibility of parents and carers to transport their child between home and school/college until transport can be re-arranged.

### **Medication**

Surrey will ensure that every driver and passenger assistant is able to respond to an emergency situation; however, they will not normally be expected to administer medical assistance. Every parent/carer, as part of their application and the Personal Travel Plan, is required to provide detailed information directly to Surrey's Transport Coordination Centre about their child's or young person's SEND and medical needs. In the case of very specific and complex needs, an additional care plan from medical professionals may be required.

In the event of an emergency on board a vehicle, the procedure is for the passenger assistant or driver to call 999.

Where it is assessed to be unsafe for a pupil with complex or acute medical needs to travel with only a passenger assistant, Surrey may support parents/carers to travel with their child to provide the additional care required. The Advanced Needs/Exceptions Protocol may apply for exceptional needs and circumstances.

### **Severe weather**

In cases of severe weather, where parents and carers are advised that transport has been cancelled for the morning journey, they should assume that transport will also be cancelled for the afternoon journey, unless they are advised otherwise. If parents or carers decide to take their child or young person to school or college despite the severe weather, they will also need to arrange to collect them after school or college.

### **Behavioural standards**

Children, young people, parents/carers, schools/colleges, transport companies and Surrey all have a role in ensuring the appropriate behaviour of passengers on transport. Any child or young person may experience behavioural difficulties. Surrey will work with parents/carers, schools/colleges, and transport companies to manage instances where a passenger exhibits extreme behavioural characteristics. Such behaviour may affect the concentration of the driver as well as the overall safety of the other passengers and, in some cases, alternative arrangements will need to be made.

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In the event of damage being caused to a vehicle due to the behaviour of a child or young person, Surrey will consider all circumstances and may make a reasonable contribution to towards the costs of damage to contracted vehicles. However, this will be assessed on a case-by-case basis, and be subject to monitoring and review as necessary.

In consultation with a child or young person's parents/carers or school/college, it may be necessary to issue periods of fixed or permanent exclusion from transport, while appropriate alternative arrangements are explored. Parents and carers will be responsible for transporting their own children/young people during any period of exclusion from transport.

When using home to school/college transport, passengers must:

- remain in their seats at all times;
- wear their seatbelts at all times; and
- follow and abide by the passenger assistant's and/or driver's instructions.

Passengers must not:

- abscond from the vehicle;
- speak in an offensive/abusive manner to the driver or passenger assistant, other passengers, or any other member of the public whilst in or around the vehicle;
- behave in a way that may create a danger to themselves, other passengers, or the driver/passenger assistant, or in a way that could cause damage to (or shows disrespect to) the vehicle itself;
- exhibit behaviour of a sexual nature; or
- spit or fight.

Additionally, smoking or vaping, eating or drinking will not be allowed on any vehicle at any time, with the exception of water, or unless their SEND requires food or drink, as specified in the Personal Travel Plan.

Surrey recognises that children and young people with SEND may be more prone to illness and other difficulties related to their SEND on contracted home to school transport. These will be documented in the Personal Travel Plan, and Surrey will work together with parents/carers and the school/college to put the appropriate support in place to enable the child or young person to travel calmly and comfortably to and from their education placement.

Surrey may make a reasonable contribution towards cleaning costs resulting from child/young person illness on contracted home to school transport.

Surrey will consider all circumstances, however, this will be assessed on a case-by- case basis. These arrangements may be subject to review as necessary.

### **Safeguarding**

Surrey is committed to ensuring that children and young people on transport travel safely to school and arrive ready to learn. The following safeguarding systems are in place to protect children's safety and promote their well-being:

- drivers and passenger assistants have enhanced Disclosure and Barring Service checks (formerly known as a Criminal Record Bureau check) and valid appropriate licences;
- drivers and passenger assistants have completed safeguarding training;

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- passenger assistants have undergone certified first-aid training;
- safety seating is provided for children below 135 cm in height;
- non-ambulant buggy or wheelchair users undergo a wheelchair risk assessment via wheelchair services to verify that their buggy or wheelchair has been crash-tested for use on transport and to ensure that the correct safety equipment is used to secure the buggy or wheelchair in place;
- all confidential information is sent by secure email;
- all incidents on board transport are logged and investigated;
- safeguarding concerns or allegations about a driver or passenger assistant are referred to the Local Authority Designated Officer (LADO);
- drivers and passenger assistants are provided with a procedure for use in an emergency, including accidents, or in circumstances where parents or carers are not available at their home address at the end of the day or have requested an agreed alternative destination;
- transport companies are audited on a regular basis and checked for compliance against the service specification, including compliance with safeguarding procedures.

### **Continuity**

Every effort will be made to ensure that the same passenger assistant and driver continue to transport a child or young person. To ensure as great a level of continuity as possible, transport companies should not change the driver or passenger assistant more than three times per term. However, it will not always be possible to maintain continuity of transport company and changes may need to be made to ensure the most efficient use of available resources.

Parents, carers, and schools/colleges will be informed by the transport company about any changes to the driver and/or passenger assistant in advance. Parents and carers are advised to take the name of the new driver and/or passenger assistant and, if they are in any doubt, ask to see their identification or contact the transport company to verify identity.

Local authorities have a duty to spend public funds in the most appropriate and cost-effective manner. Routes will be reviewed regularly and separate routes, taking passengers to several different schools or colleges, may be brought together into a single route where this is appropriate. Longer routes will be reviewed periodically.

### **Change requests to travel assistance**

Surrey equally recognises that the needs of children and young people, as well as their families, change. In these circumstances, Surrey will work to jointly review the level of assistance required going forward, which may result in a different level of travel assistance being provided (based on the evidence of change, need, or circumstances). Depending on the nature of the changes it can take up to ten working days to implement, although Surrey will endeavour to adapt arrangements sooner.

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### **Annex 2 - Appeals Process**

Parents/carers of children who live in Surrey (or who are in care to Surrey and have an Education, Health and Care Plan) and who wish to challenge a decision about one of the following, may apply for their case to be considered at a transport case review:

- the transport arrangements offered;
- their child's eligibility;
- the distance measurement in relation to statutory walking distances; and
- the safety of the route.

#### **Stage one: Case review by a senior officer**

Parents/carers must complete a stage one transport case review form on which they must indicate whether they believe the original decision to be wrong or whether they wish their case to be considered as an exception to the policy. The form must be returned with details of the case within 20 working days from receipt of the original transport decision.

The written request should detail why the parent/carer believes the decision should be reviewed and give details of any personal and/or family circumstances they believe should be considered.

Within 20 working days of receipt of the written request a senior officer, who was not involved with making the original decision, will review the case. More complex cases may sometimes exceed the 20 working day turnaround time for review.

The senior officer will write to the parent/carer, normally within five working days of the review, setting out:

- the decision reached;
- how the review was conducted;
- information about other departments and/or agencies that were consulted as part of the process;
- what factors were considered;
- the rationale for the decision reached; and
- information about how the parent/carer can escalate their case to stage two (if appropriate).

Where possible, applications for review at stage one of the review process should be accompanied by independent supporting evidence such as from a GP or consultant, a social worker, the police, other local authority officers, copies of relevant court orders etc as appropriate.

With the exception of eligibility based on extended entitlement for families on low income, qualification for travel assistance is not means-tested, and family income will not normally be given special consideration under this review process.

When considering reviews, the following will also not normally be taken into account:

- Parent/carers' work or other commitments.
- Attendance by siblings at other schools.
- A work experience placement.
- An address other than the home address, including a childminder's address.
- Ad hoc visits to other establishments or locations.
- Out of hours clubs (e.g. breakfast club, after school activities).

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### **Stage two: Case review by an independent panel**

If the parent/carer remains unhappy with the decision at stage one of the transport case review, they can complete a Member Case Review form to request that their case is escalated to a panel of three Surrey County Council Members. Members on the stage two case review panel will be independent of the original decision making process and will not have had any prior involvement with the case or be connected to the school or family in question.

Requests for a stage two case review must be made within 20 working days from receipt of the local authority's stage one written decision.

Stage two case reviews will normally be considered within 40 working days of receipt of the parent/carers request for it to be escalated. A copy of the paperwork that has been submitted to the stage two case review panel will be sent to the parent at least seven working days prior to the review.

The parent/carer will be asked to indicate on the 'Stage 2 transport case review form' whether they wish to attend the review to present their case verbally. An officer for the local authority will also be invited to present the local authority's case. Parent/carers are not required to attend and if they do not indicate that they wish to attend, the review will be scheduled to be heard in their absence.

The stage two case review panel will give equal consideration to all case reviews whether conducted in the presence of all parties or heard in the absence of one/both parties. If the panel considers that further information is required, the case will be adjourned so that the information can be made available.

Where a parent/carer chooses to attend the stage two case review, the panel chairman will:

- welcome all parties and introduce the panel members, clerk, and officer of the local authority.
- explain the procedure, clearly and simply, including the panel's remit.
- explain that the panel has read the full written case.
- invite the applicant to briefly highlight the main points of their application.
- invite the officer for the local authority to briefly highlight the main points of the local authority's case.

The panel will seek clarification on points raised by either party if required.

Once the parent/carer and officer for the local authority have left, the panel will reach a decision as to whether to uphold or reject the review. When the panel considers its decisions, the clerk must remain with the panel solely for the purpose of offering advice on procedure or law, making reference to notes or evidence and record decisions, including the reasons for them.

The clerk to the stage two case review panel will write to the parent/carer, normally within five working days of the review, setting out:

- the decision reached;
- how the review was conducted;
- information about other departments and/or agencies that were consulted as part of the process;
- what factors were considered;
- the rationale for the decision reached; and
- information about the parent/carer's right to put the matter to the Local Government Ombudsman (see below).



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### **Local Government Ombudsman**

There is a right of complaint to the Local Government Ombudsman, but only if the complainant considers that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the review has been handled. Further advice is available at [www.lgo.org.uk](http://www.lgo.org.uk) or on the Local Government Ombudsman advice line on 0300 061 0614.

If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may also apply for judicial review.

### **Annex 3 - Comments, Compliments and Complaints**

Surrey is constantly looking at ways of improving the SEND Transport Service and welcomes comments from parents, carers, children and young people, and school/college staff on any issue relating to the service.

Comments or concerns about operational issues should be addressed to the SEND Travel Assistance Team, and the matter will be discussed with the transport delivery team and/or the transport company as appropriate.

Formal complaints will be managed in line with Surrey's complaints procedures available online at: [www.surreycc.gov.uk](http://www.surreycc.gov.uk).

### **Annex 4 - Review of this Policy**

The Travel Assistance Policy for Children and Young People with an EHCP 0-25 will be reviewed annually and consulted upon in accordance with statutory guidance, should changes be considered.