

Special Educational Needs and Disability

Home to School / College Transport Policy

Children and Young People
with an EHCP/Statement/LDA

September 2015

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1. Principles

- 1.1 The purpose of this document is to explain Surrey County Council's policy and provision for Home to School/College Transport for children/young people with Statements of Special Educational Needs (SEN), Learning Difficulty Assessments (LDA) or Education Health and Care Plans (EHCPs). It also explains the appeal procedure if parents/carers/young people disagree with a decision made by Surrey County Council on Home to School/College Transport entitlement for a child/young person.

2. Entitlement to SEND Home to School/College Transport

Surrey County Council will consider applications for Home to School/College Transport from a child/young person in receipt of a Statement of Special Educational Needs, a Learning Difficulty Assessment or an Education, Health and Care Plan.

Surrey County Council's SEND Home to School/College Transport Policy relates to children/young people who are:

- a. Resident in Surrey County
- b. Attending a school or other designated establishment
- c. Are of compulsory school age, or in pre-school or Post 16 school/college provision.

NB – Surrey County Council only accept responsibility for Home to School/College Transport between the child/young person's main residence and school/college. Where children/young people have more than one address, Home to School/College Transport will be based on the residence where the child/young person habitually resides. Factors may be taken into consideration, and evidence requested, outlining where child benefit is paid, or where the child/young person is registered with a GP/Hospital Consultant.

2.1 Nursery Schools

- a. Home to School Transport will be provided to children attending the nearest appropriate nursery school to their home where their placement is supported by the Special Educational Needs team and the distance between their home and the nursery is more than 2 miles. This may include children on Early Years assessment placements.
- b. Parents/carers may be expected to accompany their children whilst they are travelling, where appropriate.

2.2 Infant/Primary Schools (children in Foundation Stage and Key Stage 1, aged under 8)

- a. Home to School Transport will be provided to children attending the nearest appropriate infant/primary school to their home where the distance between their home and the school is more than 2 miles.

2.3 Junior/Primary Schools (children in Key Stage 2, aged 8 years and over)

- a. Home to School Transport will be provided to children attending the nearest appropriate junior/primary school to their home where the distance between their home and the school is more than 3 miles, or where the child is in receipt of free school meals/working tax credit and the school is more than 2 miles from home.

2.4 Secondary Schools (children in Key Stage 3 and Key Stage 4)

- a. Home to School Transport will be provided to children attending the nearest appropriate school to their home where the distance between their home and the school is more than 3 miles.
- b. Home to School Transport will be provided to children in receipt of free school meals/working tax credit if they go to:
 - a suitable school between 2 and 6 miles away from their home address, as long as there are not three or more suitable schools nearer to home
 - the nearest school chosen on the grounds of religion or belief, and the school is between 2 and 15 miles away from their home address.

2.5 Special Schools, Resource Centres and Pupil Referral Units (PRU)

- a. Home to School Transport will be provided to children in nursery, Foundation or Key Stage 1 (aged under 8 years) when attending the nearest appropriate special school resource centre or PRU where the distance between their home and the school is more than 2 miles.
- b. Home to School Transport will be provided to children in Key Stage 2, 3 and 4 (aged 8 years or over) when attending the nearest appropriate special school, resource centre or PRU to their home where the distance between their home and the school is more than 3 miles, or where the child is in receipt of free school meals/working tax credit and the school/unit is more than 2 miles.

2.6 Post -16 Education - assistance with travel costs

All year 11 students will need to reapply for transport assistance post 16, regardless of where they are attending. This will be an annual application process as a key aspect of Preparing for Adulthood is the development, where appropriate, of skills to travel independently.

2.6.1 Assistance

Other assistance with travel costs will be provided to the nearest school/college with post 16 provision offering an appropriate, non advanced, publicly funded course of at least one academic year duration (a full time course is classified as a course with a minimum attendance of 12.5 hours a week).

An appropriate course is one that enables the young person to meet his or her employment objectives or is specifically designed to meet the student's special educational needs.

This applies to students who have a disability and/or have learning difficulties and/or who are medically ill and who will incur extra transport costs to travel to school/college as a result of that disability or condition. Evidence of the disability and/or learning difficulty and why it would cause the student to incur extra costs must be provided from a GP/Hospital Consultant.

Where appropriate the County Council reserves the right to seek the view of Surrey County Council's Designated Medical Officer. It also reserves the right to offer training so that they might develop skills to travel independently in future.

The following conditions also apply:

- The young person continues to hold a Statement of Special Educational Needs, Learning Difficulty Assessment or Education, Health and Care Plan maintained by the Local Authority
- The young person is under 24 years of age on 31st August prior to when they start their course
- The distance between the young person's home and the school 6th form/college is more than 3 miles.

As for all young people, where a student cannot travel on public transport as a result of that disability or condition they will be charged a contribution towards their travel costs:

If there is a seat on a contract coach or other contract vehicle travelling to the school/college and the student takes up this place then they will normally be invoiced termly in advance. More frequent invoice arrangements will be considered in cases of hardship.

Alternatively a taxi may be provided to take the student from home to school/college but the student will be invoiced for their contribution, termly in advance.

Any change in circumstances at any time that might affect eligibility for assistance with the cost of travel, such as a change of address, course, school or college, or the student leaving the school or college, must be notified immediately in writing.

If a student moves out of the administrative area of Surrey County Council the student will have their transport support withdrawn. Responsibility for travel will rest with the Local Authority in whose area the student has moved in to.

Assistance with travel will normally only be agreed for the minimum time required to complete the course. Unless there are extenuating circumstances the Local Authority would not expect to assist with repeat years. However an application form must be completed for each year of the course and support will not be renewed automatically.

2.6.2 Student Fare Card

The majority of students aged 16-19 will be expected to take advantage of the Surrey Student Fare Card for reduced rate bus and/or rail travel to school 6th forms and colleges. Discounts on the cost of a bus or train Student Fare Card may apply to some students who fall within this policy.

Student Fare Cards are issued by the Student Fare Card Team at Surrey County Council. You can apply online at:

<http://new.surreycc.gov.uk/roads-and-transport/buses-and-trains/bus-tickets-passes-and-travel-discounts/student-fare-card-scheme>.

More information is available on the Surrey County Council website, from the Surrey Schools and Childcare Service on 0300 200 1004, at schools, colleges and libraries.

2.6.3 The Disabled Persons Bus Pass

You can travel anywhere in Surrey, at any time, for free. To qualify for the disabled persons bus pass see the below web link:

http://new.surreycc.gov.uk/__data/assets/pdf_file/0011/10712/Concessionary-Fares-disabled-guide-V1.pdf

3. Transport Provision

3.1 In making judgements about what type of transport provision is made available to children/young people the Local Authority will consider:

- a. Age and maturity of the child/young person
- b. Ability and aptitude of the child/young person
- c. Any special educational needs the child/young person may have
- d. The type of vehicle the child/young person is travelling on
- e. The length of the journey
- f. Nature of the possible routes from home to school/college, particularly in relation to safety
- g. Whether the child/young person is physically able to walk the distance involved
- h. Whether the child/young person needs to be accompanied and whether it is possible for the child/young person to be accompanied.

When considering any application for Home to School/College Transport, Surrey County Council will consider existing transport provision.

3.2 Re-imbursement of Parent/Carer Mileage

Where a child/young person is considered eligible for Home to School/College Transport, we encourage parents to opt to transport their child/young person personally and claim petrol mileage from Surrey County Council. If this is the preferred option, the Local Authority officer can advise on mileage rate and the process for claiming. If this option is chosen, it should be noted that:

- a. Re-imbursement can only be authorised where it is the most cost effective method of providing Home to School/College transport. Surrey County Council reserves the right to cease this arrangement at any time if they are able to procure the transport at a lower cost. This may occur if another child or children require transport and a more cost effective method of transport is identified
- b. Any claim for re-imbursement is subject to the child/young person meeting eligibility criteria, and continuing to meet eligibility criteria, particularly when a child/young person changes school/college or the parents/carers move house
- c. Parents/carers are reimbursed for four journeys between home and school each day. A digital mapping system is used to measure the shortest available route by road to the nearest school entrance
- d. Parents/carers are responsible for ensuring that their current motor insurance is appropriate for this use
- e. Claim forms will be monitored to ensure that parents only claim for days when children are in attendance at school/college
- f. If parents/carers are unable to temporarily transport due to unavailability of appropriate transport, alternative arrangements must be made by the parent/carers as Surrey County Council is unable to provide transport at short notice for short periods of time
- g. If parents/carers transport becomes permanently unavailable, a new application for Home to School/College transport will need to be made via the child/young person's SEND case worker
- h. Post 16 students attending a school/college may wish to provide their own transport. In these circumstances, an application can be made via the young person's SEND case worker
- i. Home to School/College transport may be withdrawn due to the behaviour of the individual child/young person/parent/carers. In these cases, parents/carers become responsible for transporting their child/young person, but remain eligible for mileage re-imbursement

3.3 Entitlement

Surrey County Council are NOT normally able to take the following into account when considering transport entitlement:

- a. Parents/carers work or other commitments
- b. Attendance by siblings at other schools/colleges
- c. If a parent chooses to send their child/young person to a school/college, that is not the nearest appropriate school/college to the home address
- d. A work experience placement

- e. An address other than the home address, including childminders
- f. A journey from one educational establishment to another
- g. Ad hoc visits to other schools, colleges or other establishments
- h. Short Break Provision/Respite Care
- i. Out of hours clubs (e.g. breakfast, after school activity)
- j. Link courses
- k. Any educational provision planned over weekends or bank holidays
- l. Collection from school due to illness
- m. Parental attendance at meetings
- n. Part-time timetables or to meet examination timetables

In these instances, transport arrangements will be the sole responsibility of the child/young person's parent/carer.

3.4 Absences and Exclusion

The child/young person's transport provision will be reviewed if:

- parents fail to inform the Transport Coordination Centre (TCC) and the child/young person's transport provider that the transport is not required as a result of the child/young person's illness before it arrives at the home address, or
- a child/young person suddenly decides not to travel in transport which has arrived on any given day (without any prior notice having been given to the transport company).

Where it can be established that public funds are being used inappropriately, as a result of vehicles not being cancelled with enough prior warning, the child/young person may be excluded from transport for a period of time. Parents/carers will be responsible for transporting their own child during any period of exclusion from transport.

3.5 Parent/carer guide booklet

Parents/carers will be provided with a Parent/Carer Guide booklet which sets out the arrangements and duties of the Local Authority and the transport provider, along with the responsibilities of the parents/carer.

3.6 Parents with other commitments

Surrey County Council is not able to take into account family circumstances when allocating pick-up and drop-off times for children/young people. The timing will be based on the most efficient route available/ The most efficient use of resources will take priority.

SEND transport assistance is awarded to children/young people and should not be considered a service which facilitates parents or carers working or looking after other children/young people.

3.7 Additional journeys

Transport providers are allowed to make agreed journeys from home to school/college and from school/college to home only. No additional journeys can be made under the terms of the SEND Transport policy. This includes school trips, additional journeys to sports facilities, work experience, curriculum or medical appointments. Surrey County Council will not make any payments to transport providers for these journeys, and they must be invoiced directly to the school or parent, depending on who arranged the journey.

Any additional journeys which are deemed to be home to school transport must be authorised by the Area Special Needs Manager, in advance of the journey taking place. Surrey County Council will not guarantee payment to transport providers for any additional unauthorised journeys.

Where a child/young person is based full-time at a school/college but visits another for inclusion purposes, the school/college where the child/young person is usually based will be responsible for arrangements and paying for transport. If the Surrey County Council transport provider is used, they will invoice the school/college directly for any such changes. These arrangements will also apply to pupil referral units. Surrey County Council has the discretion to arrange transport for integration purposes in some cases.

4. Legal Framework

Under Section 444 of the Education Act 1996, it is the responsibility of parents and carers to ensure that children attend school and this includes the necessary travel arrangements.

However, the provision of Home to School Transport is covered in law by Section 509 (1-6) of the Education Act (1996) and sections 508A, 508B, 508C, 509AD and schedule 35B of the Act (inserted by Part 6 of the Education and Inspections Act 2006).

The provision of Home to School Transport additionally includes the amended section 77 of the Education Act 1996 to incorporate consideration for children from low-income families.

Under Section 509, it is important to note that the law does not treat children with SEN differently from other children in relation to the duties imposed under this legislation.

Home to school travel and transport guidance – provides statutory guidance for local authorities - July 2014, and Post 16 transport to education and training – provides statutory guidance for local authorities - February 2014.

5. Supplementary Notes on Entitlement

5.1 Distances will be measured as follows:

- a. Where eligibility is assessed according to a home to school distance of 2 or 3 miles, the distance will be measured by the shortest available safe walking route following recognised public footpaths. Where eligibility is assessed according to an upper home to school distance limit of 6 or 15 miles, the distance will be measured by the shortest available road route.
- b. Assistance will not normally be awarded if a house move results in the prescribed distance being breached. However, special consideration may be given as a result of an enforced council move. Evidence of an enforced permanent or temporary council move must be provided.

5.2 Children/young people must be attending a qualifying school/college. Qualifying schools/colleges are defined as follows:

- a. Community, foundation or voluntary schools
- b. Community or foundation special schools
- c. Non maintained or independent special schools
- d. Pupil referral units
- e. Private/Voluntary/Independent Nursery schools
- f. Maintained nursery schools
- g. Academies
- h. Free Schools
- i. Colleges

5.3 Qualifying schools/colleges must be educationally appropriate to the age, ability and aptitude of the child/young person, and any special educational needs that the child/young person may have, all as outlined in the SEND Code of Practice (2014).

5.4 The following rule re expressions of preference apply:

- Transport will only be offered to the nearest appropriate school/college.
- Where parent/carer/young person expresses a preference for a school/college further away then transport will not normally be offered to that school/college.

5.5 In cases of exceptional need where child/young person is entitled to free tax credit, parents/carers must complete a *Home to School/College Transport – Exceptional Needs* form, providing evidence as required (available from the SEND Case Worker). Home to School/College transport that is provided based on exceptional need or means testing will be reviewed regularly. Parents / Carers are expected to provide updated benefits information when requested. Surrey County Council retains the right to withdraw Home to School/College Transport where requested evidence or updated information is not provided.

5.6 Once eligibility has been confirmed on income grounds, children/young people will be assumed to be eligible for the remainder of the academic year (September to July).

5.7 It remains parents/carers/young person's responsibility to inform the SEND case worker if a child/student has a change of address at any point within the school year. The child/young person's eligibility will be reassessed following a new measurement of the distance between their home and the school/college.

6. Exceptional Circumstances and Medical Conditions

6.1 Child/Young Person Medical Conditions

Home to School/College Transport may be provided within the minimum walking distances in exceptional circumstances. The following evidence will be required:

written evidence from Hospital Consultant that the child/young person is unable to walk to school.

The final decision remains with Surrey County Council.

6.2 Parent/Carers Medical Conditions

Home to School/College Transport may be provided within the minimum walking distances where appropriate evidence is provided and this is recommended following an assessment of individual need. The following evidence will be required:

- a. Written evidence from an appropriate professional confirming that the child/young person requires accompaniment to school/college
- b. Written evidence from Hospital Consultant confirming that the parent is unable to accompany the child/young person to school/college.

The final decision remains with Surrey County Council.

Home to School/College Transport provided on medical grounds will be reviewed regularly. Temporary medical conditions will be reviewed every half term, dependent on medical advice. Longer-term medical conditions will be reviewed annually.

6.3 Exceptional Circumstances

Where a child/young person is not otherwise entitled, Home to School/College Transport may be provided following a review of any exceptional circumstances put forward. In making judgements about individual cases, Surrey County Council will consider:

- a. Age and maturity of the child/young person
- b. Ability and aptitude of the child/young person

- c. Nature of the possible routes from home to school/college, particularly in relation to safety
- d. Whether the child/young person is physically able to walk the distance involved
- e. Whether the child/young person needs to be accompanied and whether it is possible for the child/young person to be accompanied.

**Home to School/College Transport provided on exceptional grounds
will be reviewed termly**

7. Specific Areas of Policy

7.1 Journey Times

Home to School/College transport will be arranged so as to be as non-stressful as possible. In normal circumstances, the maximum journey time will be no more than 1 hour 15 minutes, complying with best practice guidelines. In some circumstances it may be necessary to increase this timeframe where special schools are concerned. Journeys to and from schools outside of Surrey's borders, or those children placed some distance from their home, may also, by definition, exceed the standard maximum times.

7.2 Pick-up and Drop-off Points

Where appropriate, parents/carers may be expected to take their child to/from a pick up/drop off point.

7.3 Children/young people in residential educational provision

Where children/young people are placed in a 52 week residential school/college, Home to School/College Transport is not normally provided. In these circumstances, Surrey County Council will provide one return journey at the start and end of the entire placement timeframe. Home to School/College Transport will not normally be provided for any other visits to the school/college, or if the parent/carer choose to take their child/young person home for any reason.

7.4 The Role of Schools/Colleges

School/Colleges are expected to provide the necessary support to develop the young person's ability to access and use independent travel. This will be related to their Preparation for Adulthood. Progress in this aspect will be reviewed as part of the annual review for the child/young person's statement/EHCP.

Schools/Colleges will be expected to help manage and improve the behaviour of any child/young person's in transport prior to any changes being made to their arrangements. Evidence of this will be required should solo transport or other changes be requested.

7.5 Provision of Escorts

An escort is not routinely provided. However, an escort may be provided for the route or the individual child/young person where (1) a child is of pre-school age or (2) if a child/young person has significant health or behavioural requirements.

Escorts will only be provided in exceptional circumstances. These include:

- a) An escort will only be provided where there is substantial evidence that demonstrates a child/young person may be at risk, or may pose a risk to others on the same route, if they travel without supervision
- b) Where a child/young person has a severe medical condition that requires support during transportation, a suitably trained escort may be provided.

7.6 Extreme Weather

On rare occasions, severe weather may impact on Surrey County Council's ability to provide Home to School/College Transport safely. In such circumstances, the safety and wellbeing of the children/young people and transport providers remains our key priority. Where severe weather results in the requirement to cancel transportation, the Transport Co-ordination Centre/transport provider will always notify parents/carers at the earliest point to avoid unnecessary disruption.

If transport is cancelled due to extreme weather, the following is applicable:

- a) Where a route is cancelled and a parent/carer takes the decision to transport their child/young person themselves, the parent/carer remains responsible for the return journey or any subsequent costs should a return journey not be possible
- b) If a child/young person is unable to attend school/college due to severe weather, the parent/carer remains responsible for their child/young person.

7.7 Fees and Charges

When there is a spare seat on an existing contracted vehicle that has been provided for children who are eligible for free transport, the Transport Coordination Centre (TCC) sells this seat to a parent of a child who is not otherwise entitled to free transport. Concessionary seats are limited and if an entitled child needs that seat in the future a child may have their seat withdrawn at short notice. Parents/carers who wish to take up a concessionary seat will be required to purchase a seat on a half-termly basis. Concessionary fare charges are increased annually in line with inflation (the lower of CPI and RPI).

8. Behaviour Standards

- 8.1 Surrey County Council reserves the right to refuse to provide travel assistance where a child's/young person's/parent's/carer's behaviour is such that it is unacceptable, or a significant Health and Safety risk e.g. verbal or physical abuse. In these cases, parents/carers become responsible for their child/young person's attendance at school/college and any transport required.
- 8.2 Any damage (wilful or otherwise e.g. sickness) that incurs cost to the transport provider for either repair or cleaning remains the responsibility of the parent/carer of the child/young person concerned. Continued or repeat behaviour that results in such damage can result in exclusion from Home to School/College Transport.
- 8.3 In consultation with schools/colleges Surrey County Council may be required to issue periods of fixed or permanent exclusion from transport. Parents/carers will be responsible for transporting their own children/young people during any period of exclusion from transport. The Government guidance states that non-provision of transport during these periods does not mean that Surrey County Council is not fulfilling its duty, merely that transport arrangements were made but as a result of behaviour, had to be removed.
- 8.4 When considering whether to exclude any child/young person from transport, Surrey County Council will require written statements from the driver and escort (if appropriate) in support of alleged unacceptable behaviour.
- 8.5 No eating, drinking or smoking will be allowed on any vehicle at any time. In exceptional circumstances a child/young person may be allowed water on board (e.g. during extreme weather)
- 8.6 Where a child/young person has been permanently excluded from school/college, they may be provided with Home to School/College Transport to alternative provision, if travel distance criteria have been met. When a new school/college has been identified, the child/young person's eligibility for Home to School/College Transport will be reassessed. Home to School/College transport will not be provided for part-time PRU placement (for example, if the child/young person is participating in a fixed term programme).

9. Transport Appeals Procedure

Where the decision has been made that a child is not eligible for travel assistance, or where a change in transport arrangements have been made and notified, or where transport has not been agreed on exceptional grounds, parents/carers may ask for the decision to be reconsidered to include any exceptional circumstances they wish to put forward. A form will be provided for this purpose as supplementary evidence may be requested.

The SEND case worker for the child/young person is responsible for collating the appeal case, in conjunction with the parents/carers at all stages of the appeal process.

Any decision resulting from an appeal will include the details for further appeal. All decisions will be in writing, no more than 10 working days after being made.

9.1 Stage 1 – Review by a Area Special Needs Manager (ASNM) // SYP Head for SEND (post 16)

The first stage of the appeal process is in writing to the relevant Area Special Educational Needs Manager. The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.

A parent has 20 working days from receipt of the Local Authorities Home to School Transport decision to make a written request asking for a review of the Stage One decision.

9.2 Stage 2 – SEN panel

If the decision remains unchanged, the parents/carers can progress their appeal to Stage 2 of the process.

A panel of professionals from the SEN Service and Partner agencies consider Stage 2 appeals.

The panel will consider the points of the case, alongside the decisions made at Stage 1.

9.3 Stage 3 – Review by an Independent Appeal Panel

If the decision remains unchanged, the parents can progress their appeal to Stage 3 of the process.

A panel of Elected Members consider Stage 3 appeals.

Within 40 working days of receipt of the parents' request an independent appeal panel considers representations from both the parent and officers involved in the case and gives a detailed written notification of the outcome (within 5 working days), setting out:

- the nature of the decision reached;
- how the review was conducted (including the standard followed e.g. Road Safety GB);
- 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's right to put the matter to the Local Government Ombudsman

The independent appeal panel members should be independent of the original decision making process (but are not required to be independent of the local authority) and suitably experienced (at the discretion of the local authority), to ensure a balance is achieved between meeting the needs of the parents and the local authority, and that road safety requirements are complied with and no child is placed at unnecessary risk.

What if I am not satisfied?

You can contact the Local Government Ombudsman (LGO) at any time; however, they will normally expect you to have completed all stages of the councils' complaints procedure before considering your complaint. Further advice is available on their website www.lgo.org.uk or on their advice line 0300 061 0614.

THIS IS THE FINAL STAGE IN THE APPEALS PROCESS.

10. Transport Appeals Procedure

This policy will be reviewed annually.