

Camden Council

Home to school or college travel arrangements for 2016-17

Policy for travel assistance for children and young people attending school or college.

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SECTION 1. INTRODUCTION

1.1 A single travel policy

The majority of children and young people in Camden are expected to be able to access their education provision by walking or accessing free travel available to them on London Transport.

There are exceptional circumstances under which the Local Authority will provide supported travel arrangements. A small number of children and young people in Camden are eligible on the grounds of distance from home to the nearest suitable school. Free travel on Transport for London will be appropriate for those who are unable to walk to school or college. This policy outlines the criteria that will be taken in to account when considering applications for assisted travel arrangements and the process for appealing decisions.

Camden Council has considered the statutory legal framework and statutory guidance in formulating this policy. The legal basis for this policy is described in section 13.

Camden Council has developed a single transport policy that describes the arrangements for all children and young people who are eligible in the groups listed in section 2 below.

The overriding expectation is that parents have a legal responsibility to ensure that their children's attendance at school when they are on roll at a school or setting.

The statutory guidance encourages Local Authorities to "...review travel policies arrangements and contracts regularly to ensure best value for money is achieved". Camden's policy aims to ensure that we identify those children and young people who are in needs of assisted transport, making decisions that are fair and equitable.

1.2 Sustainable travel

Camden seeks to ensure that children and young people have access to transport and travel arrangements that promote their independence and wellbeing, as well as maximising benefits for the environment. Camden is well resourced with transport links and the Local Authority aims to reduce the use of travel by car wherever other means of transport can be made accessible to those who are eligible for additional support.

The majority of children and young people attending education provision are able to walk to school or access free public transport.

If the provision of transport by the Council is agreed, the council will arrange for the most appropriate, sustainable and cost-effective transport provision.

Transport that is agreed will be provided in line with local operational policies that describe how provision will be made, and the Local Authority will make clear the responsibilities of parents and carers. These operational policies will also make clear the circumstances in which the service can be withdrawn.

SECTION 2. WHO DOES THIS POLICY APPLY TO?

This document explains the background relating to the provision of travel assistance by the council for children and young people living in the borough of Camden and describes how the policy applies to **eligible children** in the following groups:

- a. children of statutory school age, from age 5 – 16 years, both with or without special educational needs
- b. young people in full-time education from age 16 – 19 years, with or without special educational needs
- c. young adults in full time education from age 19 – 25 years, with disabilities and learning difficulties
- d. children who are looked-after by this Council but not necessary living in Camden.

The policy also describes the exceptional circumstances under which a child under the age of 5 attending specialist provision (for whom there is no statutory responsibility to provide transport, and who are not considered eligible under the terms of this policy) will be considered.

SECTION 3. WHAT ARE THE ELIGIBILITY CRITERIA?

An 'eligible' child is defined in Section 508B of the Act as one to whom at least one of the following criteria applies:

- a. A child with special educational needs, a disability or mobility problem, who lives within the walking distance, but cannot be expected to walk or access public transport
- b. A child who cannot be expected to walk because of the nature of his/her route
- c. A child beyond the statutory walking distance (2 miles for pupils below the age of 8 and 3 miles for those aged 8 and over) who is without suitable alternative arrangements (these arrangements include access to free public transport)
- d. A child over 8 years but under 11 from a low-income family living more than 2 miles from their nearest primary school, or
- e. A child in a low-income family living between 2 and 6 miles from his/her suitable secondary school.

SECTION 4. CHILDREN AND YOUNG PEOPLE WITH SPECIAL EDUCATIONAL NEEDS AND/OR DISABILITIES (SEND)

4.1 Children and young people of all ages with SEND

This section explains what travel assistance may be provided for children and young people with a Statement of Special Educational Needs (SEN) or disabilities, or Education, Health and Care (EHC) plan, if they could not reasonably be expected to travel to school/college independently even if the journey is within the 'statutory walking distance' described in Section 3 above.

Having a Statement of Special Educational Needs or Education, Health and Care (EHC) plan does not necessarily provide entitlement to free travel. Requests will be considered for children with special educational needs, a disability or mobility problem, who:

- live within the defined walking distance, but cannot be expected to walk or do not have access to travelling by public transport
- cannot be placed by the Local Authority at a suitable school within walking distance or by accessible public transport
- have needs such that they cannot access available public transport.

The Council will generally aim to enable children to walk or use public transport independently by the age of 16, or earlier if possible. **There are parents who receive disability living allowance (DLA) and/or have a blue badge in relation to their child using it to meet their child's travel needs and that is an option they have*.**

The entitlement to travel assistance for children and young people who meet these criteria varies according to their age group.

4.2 Inclusion and independence

At the heart of this approach there are two key principles which underpin decisions about providing travel assistance:

- promoting independence and
- maintaining quality of life.

4.3 Pre-school children (under 5s) with an Education, Health and Care plan

There is no legal requirement for the Local Authority to make special arrangements for children under the age of 5 to travel between home and school. The Council expects that children under the age of 5 will be taken to their educational provision by a parent or guardian.

Children under the age of 5 can travel free at any time on the Underground Railway (tube), Docklands Light Railway, buses, trams, London Overground, and Emirates Air Line cable car, as long as they are accompanied by an adult with a valid ticket.

***Note – we took legal advice when we drafted this transport policy for publication on 31 May 2016. However, this sentence in bold is an amendment which has been added as a result of feedback received from the Special Educational Needs and Disability Information, Advice and Support Service (SENDIASS).**

The Local Authority has used its discretionary powers to expand the policy for children under the age of 5 attending a specialist provision to enable them to be considered under the same criteria as school aged children from the start of their first term in Reception. For those children who would be eligible for receiving assisted travel arrangements when they turn 5, the Local Authority will agree to fund transport from September of the year in they start Reception. These arrangements will start from the September of the same academic year, whether it is one, two or nearly three terms early.

Where a child under 5 has an Education, Health and Care plan, and where they meet the criteria for a statutory Section 17 Child in Need assessment and intervention, travel assistance may be provided outside of this SEN policy.

For children who do not fall within the SEN criteria and are not eligible for Local Authority travel arrangements, Camden may offer support, depending on availability, and charge the parent or guardian for travel to and from school. Priority will be given to children who are eligible.

4.4 Children and young people with SEND aged 5 to 16

The Council will make a decision about what 'necessary and appropriate' travel arrangements are for children with a statement of special educational needs or EHC plan, long term medical needs or disabilities based on a number of key criteria which include:

- distance from home to school
- the needs of the child (whether the child has physical, learning and/or mental health needs which mean they cannot walk or access public transport)
- and will only be provided for travel to a qualifying school.

A qualifying school means one that can meet the child's needs and is nearest to their home. The Council will not agree to pay the transport costs for a child if a nearby school can meet the child's needs but parental preference is for a school which is further away, and beyond reasonable walking distance. If this were the case the parent(s) would be expected to pay the costs of travel arrangements.

Where Camden Council has decided that it is necessary to provide transport, it will, in addition, consider whether it is necessary to provide an escort to supervise the young person's journey. This will depend on, amongst other matters:

- their age
- medical needs (for example a child with uncontrolled epilepsy is likely to require an escort)
- mental capacity (for example some children and young people with profound and multiple difficulties will require continuous support and attention)
- level of challenging behaviour
- level of physical difficulty (should they need continuous support and attention).

4.5 Children and young people with SEND aged 5 to 19 in specialist educational residential placements

A specialist residential school is a specialist education provision which caters for pupils with special educational needs and/or disabilities, who receive overnight accommodation (usually over a 38 week period).

Placements are made in these settings if the Local Authority cannot meet all of the child or young person's education, health and care needs in day provision while the child or young person lives in Camden.

Camden Council will reimburse the parents (or nominated carer), to accompany their child to and from school via public transport:

- for journeys taken at the start and end of term,
- for half-term holidays
- and for parents to attend the Annual Review meeting.

Reimbursement will be dependent on production of valid receipts.

For example, parents may wish to transport their child to school by car. Where Camden Council agrees to this arrangement, the parent will be reimbursed their reasonable fuel expenses, if this is an additional/different journey to that undertaken to take their children in the family to their schools.

4.6 Personal budget for SEN transport

If transport is agreed the Council will consider a request for a personal budget. For example, parents may wish to transport their child to school by car. Where Camden Local Authority agrees to this arrangement, we will pay the fuel costs by the mile at 52.5p/mile. This will be paid on a pro-rated termly basis in arrears on receipt of the attendance reports from the school or setting.

4.7.1 16 to 18 year-old young people who attend school

For young people who remain on the roll of a school setting, transport arrangements will take in to account the need for young people to become independent travellers in preparation for their lives as young adults achieving maximum independence.

4.7.2 16 to 18 year-old young people who attend further education colleges

For young people with statements or Education, Health and Care plans who move from schools to further education colleges at age 16, and who were given transport support until the end of their school studies, transport provision will be reviewed to take account of the statutory school leaving age and their need to achieve independence as young adults accessing their community. This will again be reviewed at the end of the academic year in which the young person turns 18.

4.7.3 Eligibility

When determining eligibility for transport for young adults with exceptional learning difficulties (with statements of special educational needs or EHC plans, including those whose statements or plans have been ceased and who remain in full time education, with transport identified in their statement), consideration will be given to a full range of travel options. These options reflect the core principle of promoting independence and could include where available the provision of a travel pass, independent travel training support, travel buddying, motability, the London Taxi card Scheme and Capital Call, which is a complementary service to Taxi card. Eligibility for assistance will depend upon but not be limited to:

- a) Residency
- b) Age
- c) Distance travelled
- d) Establishment and the course being attended
- e) Length of course and whether the course is full time
- f) The availability of alternative resources
- g) Family income
- h) Students with disabilities or special educational needs (see section 4)
- i) Attendance at school or college based on the student's religion or belief
- j) Preference of school or college by virtue of the learner's and/or parents' religion or belief.

The weight to be given to each or any of the factors listed above will be a matter for Camden Council (at) their discretion, according to the circumstances of each individual case.

It is expected that learners study at the nearest reasonable and appropriate centre using fare concessions and the most cost effective mode of transport. Where a similar course to the one chosen by a student is available at a closer school/college, they will be expected to demonstrate how their chosen course meets their needs above the similar course in order to qualify for travel assistance (unless the student is continuing into the sixth form of a school to which they received transport assistance in Year 11).

4.7.4 Travel options

There are discounted fares available to full-time students aged 18 and above who travel by buses, trams, tube trains and the DLR. In order to get the discount students must hold a valid Student Oyster photocard. These are available to students aged 18 plus in full-time at schools, colleges and universities that have joined the Transport for London (TfL) student scheme.

For post-16 learners with an exceptional level of need but without a statement or Education, Health and Care plan, are advised to contact their school or college who may be able to provide financial support through the bursary fund.

4.7.5 Young people eligible for adult services

If a young person (from the age of 18) is assessed and eligible for an Adult Social care service under the Care Act they may be allocated a Personal Budget. This is the amount of money which will cover the cost of the person's care and support to deliver the outcomes that the social worker has agreed with them

To get a service, everyone must have a financial assessment to see their ability to contribute towards the cost of care and support, depending on the person's financial circumstances; they may be asked to contribute to this or they may not have enough to contribute, which means the council will pay for all cost.

If, part of someone's agreed support plan, they need to travel to and from a social care activity, their transport needs form part of their assessment.

Individuals managing a Direct Payment can arrange transport themselves

There are a number of ways in which that transport can be delivered:

- Public transport with or without an escort. When people are eligible for Freedom passes they can fund their own transport
- Family members using vehicles they have brought on behalf of their family members
- Camden Accessible Travel Solutions team (which includes contracts with taxi companies). Further information is available from www.camden.gov.uk/cats or alternatively by contacting Camden Accessible Travel Solutions on: 020 7974 6723 or cats@camden.gov.uk.

If a student aged 18 on 31 August they may also be eligible for a 16+ Zip Oyster Card to get free bus and tram travel if you can evidence that you are still in full time education.

Being in full-time education is defined as:

- At least 12 hours of guided learning per week, from 9am to 5pm, Mon to Fri
- At least 10 weeks on a further education course at Level 3
- Enrolled in a sixth form college, academy, further education college or other training provider.

4.7.6 Apprenticeship Travelcards

If you are aged 18 or over, a London resident and enrolled on an apprenticeship, you may be eligible for an apprentice Oyster photocard. You can save 30% off adult-rate travelcards and bus and tram pass season tickets.

4.7.7 Support for young people 19+ with learning difficulties or disabilities

Young people with difficulties and disabilities who are 19 years old or older will be referred to Camden's Adult Social Care Department for consideration for transport. All applications will be considered individually.

4.8 Looked-after children (LAC) with SEND

Looked-after children who live in Camden will be considered under this policy.

Young people who are the subject of a 'care order' granted to Camden Social Services and placed with foster-carers in another Local Authority, are outside of Camden Council's remit. Applications should be made to the Local Authority where the child or young person lives. Carers should contact their allocated social worker for support and advice.

SECTION 5. CHILDREN AND YOUNG PEOPLE WITHOUT ADDITIONAL NEEDS

5.1 Free travel / reduced fares for children until 31 August after they turn 16

Transport for London provides free travel for children and young people of school age up until the end of the academic year in which they turn 16. Almost all children and young people attending school will not require any support with travel arrangements, including those who have statements of special educational needs / Education Health and Care plans.

Criteria and details about how to apply are on the Transport for London website or are available at underground stations and local post offices. Further information is available from www.tfl.gov.uk

Camden Council will determine whether a child is eligible to receive travel arrangements, on the basis of the nearest school which can meet the child's needs and at which a vacancy is available.

5.2 Special circumstances

In some circumstances, defined in sections 5.3 – 5.6 below, the Council will agree to provide a travel card that entitles them to free transport on London Underground and London Overground trains in addition to bus and tram travel.

5.3 Children and young people living outside the statutory walking distance

The statutory walking distance is defined as 2 miles for children under the age of 8 years or 3 miles for children 8 years and over; in each case measured by the nearest available route) supported travel arrangements will be considered if the following circumstances apply:

In general Camden Council is not obliged to pay the transport costs for a child, if a nearby school can meet the child's needs but the parent(s) expresses a preference for a school which is further away and beyond reasonable walking distance. If this were the case the parent(s) would be expected to pay the cost of travel.

5.4 Children whose route to school is unsafe

Children whose walking route to school, even if accompanied, is unsafe (whether or not they live within 2 miles of school or not if under 8 years old, or 3 miles if aged 8 or older), should be able to access free public transport. If there are specific circumstances which need to be taken in to consideration, such as the length of the journey by bus (for details see section 2.3 above), a child or young person may be eligible for a travel pass.

5.5 Children from low income families

Children who are aged between 8 and 16, who are entitled to free school meals, or if their parents or carers receive working tax credit at the maximum rate, will usually be able to travel by free public transport on buses or trams.

They may, however, be provided with a free travel pass (or funding that equates to the cost of a travel card, paid at termly intervals) enabling them to travel on London Underground (tube) or local Overground routes if:

- their journey time by public transport regularly exceeds 75 minutes for a child aged 8 or above
- they attend one of the three nearest suitable schools
- the distance between home and school is between 2 and 6 miles.

5.6 Children whose parents express a preference for a secondary school on the basis of religion or belief

The following criteria must all be met to qualify for a free travel pass (or funding that equates to a travel pass, paid termly) on the basis of religious or other beliefs:

- children attending secondary school who meet the low income criteria (see point 5.4 above)
- the journey regularly exceeds 75 minutes for a child or young person aged 8 or older
- the school is between 2 and 15 miles from home
- they are attending the nearest suitable school on the grounds of religion or belief.

Where the Council is unable to provide a suitable school place within reasonable travelling distance of home, taking into account the parent's school preferences on the grounds of religion or belief, the criterion is:

- If their journey from home to school either walking or by public transport exceeds 45 minutes for a child under 8, or 75 minutes for a child or young person aged 8 or over.

Where home to school walking distance exceeds these distances for a child with a statement of special educational needs, travel arrangements will be made, taking into account the child or young person's individual circumstances.

Where there are particular issues that should be taken into account that affect a young person's health and safety such as risk of harm from their peer group, parents should discuss individual needs with the mainstream / special school or PRU to make a decision about what support will be made.

5.7 Travel for parents accompanying children

Parents are expected to accompany children to school (or to make arrangements for them to be accompanied by an authorised adult) if this is necessary for the child's safety. Any travelling expenses for the parent are the responsibility of the parent.

Camden does not provide assistance with travel costs for adults accompanying children to school unless there are exceptional circumstances. Where a parent or carer through illness, incapacity, or some other reason finds it unusually difficult to accompany a child to school, this matter can be raised with Camden Learning Disabilities Service (telephone 020 7974 3737) who may be able to provide support according to the circumstances.

5.8 Other parental circumstances

Assisted travel is made on the basis of the individual child's needs and cannot take in to account individual parental circumstances. Please be aware that the following are not taken in to account when considering applications:

- A parent's work or childcare arrangements
- Taking other children in the family to and from school.

5.9 16 to 19 year-olds without additional needs

The Council expects full-time learners aged 16 to 18, who need transport to get to and from their place study, to use the free and concessionary public transport services available. Young people in full-time further education under the age of 18 who live permanently in Camden can travel free by London buses and trams. In addition, there are concessionary fares and reductions available on London tube trains, the Docklands Light Railway (DLR) and some national rail services.

5.10 What is full time education post-16?

Full-time education is defined as 540 hours of guided learning in a year, on further education courses, in school sixth forms (including Academies), sixth form colleges and further education colleges, independent learning providers funded directly by the local authority, local authority funded providers delivering accredited programmes of learning.

5.11 Financial support for young people aged 16 to 18

Young people who are unable to travel by bus or tram, and who are experiencing financial hardship, may be eligible to apply for a grant from their college or place of learning.

Places of learning will have their own criteria and learners should discuss applications directly with their school, college or other organisation.

SECTION 6. WHAT FORMS OF TRAVEL ASSISTANCE ARE THERE?

6.1 Range of provision

Camden makes use of a range of travel provision to best address the individual needs of clients but which also utilises existing networks, which promote independence and which represent the most cost effective and sustainable mode of transport. The range of travel assistance are listed below.

Travel assistance for all students:

Transport for London provides free or subsidised travel. Further information is available from www.tfl.gov.uk

6.2 The following are also considered, where appropriate, for children and young people with a statement of special educational needs or disability:

- a. Funding for the provision of Oyster/travel cards for the parent/ carers to enable them to accompany their child where they have access to free travel on London Buses and where parents' consent.
- b. A travel training or mobility programme for the young person.
- c. A travel buddy or passenger assistant to travel with a pupil on the journey from home or where appropriate and suitable in the context of the child's needs from a specified meeting point to school and return.
- d. Where parents' consent payment of mileage allowances for parents/carers who use their own vehicles with the agreement of the Council.
- e. Payment of public transport fares as a personal budget for travel arranged by parents/carers with the agreement of the Council.
- f. A seat on a vehicle suitably adapted as necessary to transport the pupil as appropriate.
- g. A range of more flexible options which explore more creative solutions and promote the independence of the client.
- h. A seat on a vehicle suitably adapted as necessary to transport the pupil as appropriate.
- i. A range of more flexible options which explore more creative solutions and promote the independence of the client.

6.3 Provision of travel training or 'travel buddies' for children and young people for whom travel assistance is agreed

The Council will also consider the provision of supported access for walking or public transport, where this is appropriate, and in particular when this is considered to promote independent travel. Opportunities currently available within the borough of Camden include:

- an accredited travel training programme which enables pupils to develop the skills needed for independent travel
- trained travel buddies who work as travelling partners for pupils with special educational needs to assist the child to walk or use public transport.

6.4 Safeguarding

In providing travel assistance to children and young people, Camden Local Authority will ensure that all decisions are reflective of the local authority's safeguarding duties as described in current policies.

6.5 Behaviour Agreement

Parents and pupils share responsibility for ensuring that acceptable behaviour is maintained to ensure a safe and stress free journey for all on school transport.

Travel arrangements are provided on the understanding that your child behaves in a reasonable manner during the journey. If your child demonstrates behavioural difficulties which gives persistent cause for concern (i.e. threatens the health and safety of themselves, other children, the driver or passenger assistant) and all attempts to modify the child's behaviour have been resisted, the Council may decide to suspend or withdraw transport, including passenger assistance provision, until a safer way of transport is agreed.

Where a direct payment or personal budget is provided, it is expected that this is used to provide transport for the child or young person. Direct payments and personal budgets will be reviewed annually, or earlier if there is evidence that suggests funding is no longer required to support travel arrangements.

6.6 Travel Support Schemes

Camden Council does provide alternative travel support schemes for children and young people with special educational needs and/or mobility related difficulties.

- Disabled Person's Freedom Pass. A travel pass that allows disabled residents, free travel within the Greater London area across all London Transport networks. Children and young people with a learning disability could qualify but this would be assessed by an assessment officer in CATS (Camden Accessible Travel Solutions Team).
- Disabled Person's Blue Parking Badge. Parking permit for residents with a disability or impairment to allow parking closer to a destination.
- Taxicard. Subsidised rides in licensed black taxis and private hire vehicles to any destination.

To qualify for any of the above mentioned travel schemes, the applicant must demonstrate that they have a permanent and substantial mobility impairment. Applicants automatically qualify if they are entitled to Higher Rate Mobility Allowance of the Disability Living Allowance or receive 8 points or more in the Moving Around component of the Personal Independence Payment. For further information or to apply for these schemes can be found at: www.camden.gov.uk/cats or alternatively by contacting Camden Accessible Travel Solutions on 020 7974 6435 or cats@camden.gov.uk

SECTION 7. CHILDREN AND YOUNG PEOPLE WITH TEMPORARY MEDICAL AND/OR MOBILITY DIFFICULTIES

Children and young people who have temporary mobility problems caused by medical conditions that prevent them from walking may be eligible for travel support for a fixed period. An assessment will be made to determine the most appropriate method of travel assistance in each case as well as the length of time the arrangement is available.

Supporting medical evidence from a consultant confirming the nature of the temporary medical condition and an estimate of the period for which the provision will be required.

Any assistance provided in accordance with this section is time limited in accordance with the needs of any individual case.

SECTION 8. WHAT EVIDENCE AND INFORMATION SHOULD BE PROVIDED WITH YOUR APPLICATION?

Evidence must be submitted in support of any application for travel assistance. The weight to be given to each or any of the factors listed above will be a matter for the Council in their discretion, according to the circumstances of each individual case.

All cases will be considered on their individual merits in line with this policy and in accordance with statutory guidance. The following may be considered as part of the assessment when determining eligibility.

- a. The statement of SEN or EHC plan and annual review reports for a child or young person with special educational needs.
- b. Relevant professional reports:
 - Information from a medical consultant (not a GP) that demonstrates the specific impact of a child's disability on their capacity to access public transport
 - Information from a social care initial or core assessment/CAF if appropriate
 - Evidence from a medical consultant (not a GP) if parent/carer indicates that they are medically unfit to get their child to school.
- c. Information about the nature and reasonableness of the route i.e. journey times, changes, safety, nature of the pavement and roads, congestion, other passengers etc.
- d. Where travel training is available, an existing Travel Training Plan (or assessment being undertaken).
- e. Any other information submitted during the application.

SECTION 9. APPLICATIONS AND DECISIONS

How to apply for assistance with home to school travel:

- Download the application form on the Council's website at www.camden.gov.uk/sen
- Call the Council on 020 7974 4444.

Where Camden Council makes a decision to provide travel assistance, it is usually agreed for a limited period of time and reviewed each year. In exceptional circumstances where the pupil has severe and complex needs, travel may be agreed for longer periods of time.

Applications must be supported with professional evidence attached.

SECTION 10. REVIEW / REAPPLICATION

Travel arrangements will be reviewed at least annually or if the child's or parents circumstances change.

For children and young people with special educational needs, progress and any other relevant information needs to be recorded on the Annual Review form to inform future travel options. Where there is evidence that a child or young person has capacity to travel independently, transport may be withdrawn. In some circumstances, Independent Travel Training will be offered.

Where a pupil/student changes school/college or moves home or there are other changes in the child's circumstances such as successful travel training, travel assistance will be reviewed accordingly.

SECTION 11. APPEALS

11.1 What if I am unhappy with the Council's decision not to provide free travel for my child?

The relevant decision making body, the SEN Panel or School Admissions, will consider additional representations, which may enable them to reconsider their earlier decision.

Appeals process for children and young people without a statement or EHC plan

Please refer to the current SEN admissions booklet for details about how to appeal a decision and the time deadlines for the appeal to be submitted.

11.2 Appeals process for children and young people with a statement or EHC plan

The Department of Education recommends that local authorities adopt the appeals process set out below, appreciating that specifics, such as the identification of an appeal compared to a complaint, will need to be decided by local authorities. The intention is to ensure a consistent approach across all local authorities, and to provide a completely impartial second stage, for those cases that are not resolved at the first stage.

11.2.1 Appeals stage one: review by a senior officer

If you wish to formally appeal against the decision, you should submit a completed appeal form which can be obtained from, and should be returned to:

**SEN finance & resources officer
Children, Schools and Families
SEN and educational psychology services
London Borough of Camden
Town Hall, Judd Street
London WC1H 9JE
Tel: 020 7974 4532 / 6500**

- A parent has 20 working days from receipt of the local authority's home to school transport decision to make a written request asking for a review of the decision.
- 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.
- Within 20 working days of receipt of the parent's written request, a senior officer reviews the original decision and sends the parent a detailed written notification of the outcome of their review, setting out the nature of the decision reached and how the review was conducted (including the standard followed e.g. Road Safety GB).

11.2.2 Appeals stage two: review by an independent appeal panel

A parent has 20 working days from receipt of the local authority's stage one written decision notification to make a written request to escalate the matter to stage two.

Within 40 working days of receipt of the parents request an independent appeal panel considers written and/or verbal 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.

Stage two appeals will be heard by a panel of 3 members chaired by a Lay member. The decision of the panel will be considered binding on the Council and there is no further right of appeal.

You may wish to attend this hearing or you may put your representations in writing for the Panel's consideration.

The Panel can allow an appeal if:

- (i) the Council had not applied its Home to School Transport Policy correctly
- (ii) there are exceptional grounds to justify making your case an exception.

The Panel may then decide to:

- uphold the appeal, in whole or in part, or
- not uphold the appeal.

The Council will not consider requests for a further transport appeal within the school year unless there has been a significant change of circumstances.

11.2.3 The Local Government Ombudsman

If you believe the Council has failed to correct procedures or if there were any irregularities in the way the appeal has been handled, you have the right to complain to the Local Government Ombudsman

If you believe the local authority has failed to follow correct procedures or if there were any irregularities in the way the appeal has been handled, you have the right to complain to the Local Government Ombudsman.

If the parent or young person over 16 considers the decision of the independent panel to be flawed on public law grounds, the complainant may also apply for judicial review.

11.3 Where can I get further advice?

The following organisations do not have access to alternative funding for home to school of college travel, but may be able to offer you advice in connection with your application:

- The Co-ordinator, Special Educational Needs and Disability Information, Advice and Support Service (SENDIASS), 25 Bertram Street, Highgate Newtown Community Centre, London N19 5DQ. Tel: 020 7974 6264 / 5298.
- The Co-ordinator, KIDS – Camden, Kentish Town Health Centre, London NW5 2BX. Tel: 0207 359 3635.

Useful Contact Numbers:

Special Educational Needs Section
London Borough of Camden
5 Pancras Square
London N1C 4AG

Telephone: 0207 974-4532/6500
Senassessment@camden.gov.uk;

Camden Accessible Travel Solutions
7 York Way
London N1 0BE

Telephone: 0207 974-6723
TravelSolutions@camden.gov.uk;

SECTION 12. LEGAL CONTEXT FOR THIS POLICY

Parents / carers are responsible for ensuring that their children attend school regularly. **There is no mandatory entitlement to travel assistance for children under the age of 5 or for young adults over the age of 19.**

The Education Act 1996 (as amended by later legislation including the Education Act 2002 and the Education and Inspections Act 2006) places a duty on the local authority to provide home to school transport in certain circumstances for eligible children of compulsory school age living in the local authority's area. There is no legal obligation to provide free transport for children who are below or above compulsory school age of 5 to 16. From June 2015 young people will be required to stay in education or training until their 18th birthday and this will be taken in to account when considering requests for assisted travel arrangements. It should be noted that wherever it is possible, young people who have previously received transport will be supported to develop independent travel skills in preparation for their lives as young adults, maximising their independence to be able to participate in community life, in line with the SEND Code of Practice (2014).

Local Authorities also have a duty to facilitate access to full-time education for young people aged 16-19 and this may include assistance with travel in certain circumstances. Other post 16 learners with learning difficulties and disabilities aged 16-25 attending colleges and other places of learning may be eligible for assistance, from children's or adult services.

Not every young person will require the provision of transport between their home and school. The High Court, in the decision of R (M and another) v London Borough of Hounslow [2013] considered the extent of a local authority's obligations for "home to school travel arrangements" in Section 508B of the Education Act 1996. It concluded that it did not require provision of transport between the child's home and school in every case. Section 508B permitted the Local Authority in an appropriate case to impose on the parents of a child a designated pick-up point (e.g. a bus stop at a reasonable distance from the child's home) other than the child's home, the court stated.

Local Authorities are also to assess and promote the use of sustainable modes of travel to school and must produce sustainable modes of travel strategy and a summary on an annual basis which must be published on the Local Authority's website by 31 August each year.

The duty to promote sustainable travel applies in relation to children of compulsory school age and below and young people of sixth form age (16 – 19) who are travelling to and from schools, further education institutions or Pupil Referral Units at which they receive or are to receive education or training.

The government issued statutory guidance to local authorities on home to school travel and transport in July 2014 and the Post16 Transport to Education and Training guidance in February 2014.

In P v East Sussex County Council [2014] the High Court held that the duty to provide travel arrangements did not extend beyond the compulsory part of the school day. In this case, a child with SEN failed in her claim that the Local Authority should provide flexible transport arrangements to allow for her attendance at after school clubs and medical appointments.

Local Authorities may also choose to provide travel assistance to those who do not qualify as eligible children but these arrangements may include a requirement under s508C for the child or his parent to pay some or all of the costs.

The provision of travel assistance by Camden Council will be based on individual needs and circumstances and with regard to the efficient use of resources.

Safe and sustainable travel

The Education Act 1996 places a general duty on the Council to assess the travel needs of all children and persons of sixth form age to promote the use of sustainable modes of travel to school to meet those travel needs. Sustainable modes of travel will be defined as those which improve either the physical well-being of those who use them or the environment or a combination of both.

We support this principle and aim to promote safety and sustainability where it provides assistance with travel for pupils and young people with special educational needs.

Websites:

www.camden.gov.uk/sen

localoffer.camden.gov.uk

