

## **SEND Travel Policy – for children 5 to 16 years old**

### **Guiding principles for SEND travel provision:**

- We will promote travel independence to support the development of children and young peoples' life skills
- We will regularly assess transport throughout a child's school life to ensure the right travel provision is in place
- We will ensure that we deliver value for money for the council and its customers
- We will seek to deliver a sustainable and efficient transport system

### **Parental Responsibilities**

The starting point for the policy of home to school transport is that parents/carers have the responsibility of making the necessary arrangements to get their children to school if they live within the statutory distances, except in exceptional circumstances.

The Local Authority follows the principle that it is reasonable to expect a parent/carer to make arrangements for a pupil to attend school and that a Statement/EHCP does not give an automatic right to free home to school transport.

Under Section 444 of the Education Act 1996 parents have a legal duty and a responsibility to ensure that their children of compulsory school age, registered at a school attend regularly. However, in certain circumstances a Local Authority has a duty to provide transport to facilitate this attendance.

## **Legal obligations on the Local Authority**

There is a duty on the Local Authority to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. The duty is to make arrangements as the local authority considers necessary to facilitate attendance at school for eligible children.

The four categories of eligible children are found in Home to school travel and transport guidance July 2014

### Statutory walking distance eligibility

- Provide free transport for those children who live more than the statutory walking distance from their nearest suitable school
- beyond 2 miles (if below the age of 8)
- beyond 3 miles (if aged between 8 and 16)

### Special educational needs, a disability or mobility problems eligibility:

- Make transport arrangements for children who cannot reasonably be expected to walk because of their mobility problems or associated health and safety issues related to their SEN or disability and parents are unable to get them to school. Eligibility, for such children will be assessed.

### Unsafe route eligibility:

- 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

- Provide free transport where pupils are entitled to free school meals or their parents are in receipt of maximum Working tax Credit if:
- The nearest suitable school is beyond 2 miles (aged 8-11)

- The school is between 2 and 6 miles (aged 11-16 and there are not three or more suitable nearer schools)

Our Transport Officers will offer parents/carers a variety of ways in which their child/children can travel to and from school by promoting the following approaches:

- Provide a seat on existing school transport
- Personal travel budget (PTB)
- Travel passes for public transport
- Walking and cycling
- Provide travel training to enable young person to travel independently
- Offer of a spare seat on a council contract transport
- Signposting young people and their families to additional travel support that they may be able to access, either from other government schemes/benefits or from other local provision

## **Accompaniment**

In determining whether a child cannot reasonably be expected to walk for the purposes of 'special educational needs, a disability or mobility problems eligibility' or 'unsafe route eligibility', the local authority will need to consider whether the child could reasonably be expected to walk if accompanied and, if so, whether the child's parent can reasonably be expected to accompany the child. When considering whether a child's parent can reasonably be expected to accompany the child on the journey to school a range of factors may need to be taken into account, such as the age of the child and whether one would ordinarily expect a child of that age to be accompanied.

The general expectation is that a child will be accompanied by a parent where necessary, unless there is a good reason why it is not reasonable to expect the parent to do so.

Local authorities should, however, promote and ensure equality of opportunity for disabled parents. For example, if a parent's disability prevents them from accompanying their child along a walking route that would otherwise be considered unsafe without adult supervision, a reasonable adjustment might be to provide free home to school transport for the child in question.

**Escorts** will only be provided on SEND Local Authority transport with multiple passengers for the safety of both driver and travellers. Only in exceptional circumstances will the council provide a 'Personal Escort'.

## **Lone Travellers**

Lone travellers can in some instances be a high cost to the Local Authority. The Local Authority will seek in the first instance to offer parent/carers financial travel provision in the form of a Personal Travel Budget to enable them to make their own arrangements for transport. In line with statutory requirements contract vehicles will be offered when the Local Authority has explored all other options with parents.

## **Exceptional Circumstances:**

The Local Authority will take into account the needs of each individual child and family. Where the statutory criteria for transport have not been met, exceptional circumstances will apply as a temporary solution and will be reviewed regularly to ensure that the Local Authority's resources are appropriately used. This principle will be applied when a child's education would otherwise be severely disrupted.

## **Suitability of arrangements**

As a general guide, transport arrangements should not require a child to make several changes on public transport resulting in an unreasonably long journey time. Best practice suggests that the maximum each way length of journey for a child of primary school age to be 45 minutes and for secondary school age 75 minutes, but these should be regarded as the maximum. For children with SEN and/or disabilities, journeys may be more complex and a shorter journey time, although desirable, may not always be possible.

Consideration should also be given to the walking distance required in order to access public transport. The maximum distances will depend on a range of circumstances, including the age of the child, their individual needs and the nature of the routes they are expected to walk to the pick up or set down points and should try to be combined with the transport time when considering the overall duration of a journey. With regard to pick up points, local authorities may at their discretion use appropriate pick up points when making travel arrangements. For arrangements to be suitable, they must also be safe and reasonably stress free, to enable the child to arrive at school ready for a day of study.

## **Appeals against transport decisions**

All applications for travel support are considered in line with the policy criteria. Where applications do not fulfil the policy conditions set out above, consideration will be given to the individual's circumstances. However, students, parents/carers have a right to appeal.

Please see below for details of the appeal process.

### **Stage one: Review by a senior officer**

- 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;
  - how the review was conducted (including the standard followed e.g. Road Safety GB21);
  - 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 can escalate their case to stage two (if appropriate).

As with the whole appeals process the timings are recommended and not compulsory. We envisage many appeals will be dealt with much sooner than these timings, particularly those which have a time pressure, whilst complex cases may take longer.

### **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 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 (see below).

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.

21 Road Safety GB is the sole published standards known to the department, hence referenced.

Local Government Ombudsman – it is recommended that as part of this process, local authorities make it clear that there is a right of complaint to the Local Government Ombudsman, but only if complainants consider that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal has been handled. 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.

## **Bath and North East Somerset Appeal Process**

All appeals will be considered on an individual basis in line with this criterion.

To submit an appeal the applicant should put the reason for the appeal in writing, together with any supporting evidence e.g. medical report to:

### **Bath and North East Somerset Council**

People and Communities

SSEN Service (Post 16 Transport)

Lewis House

Manvers Street

Bath BA1 1JQ

Email: [SENDSchool\\_TravelTeam@BATHNES.GOV.UK](mailto:SENDSchool_TravelTeam@BATHNES.GOV.UK)

### **Sources of impartial, information advice and support**

#### **SEND Partnership Service**

Telephone: 01225 394382 (Monday to Thursday 10am to 3pm during term time)

Email: [send\\_partnershipservice@bathnes.gov.uk](mailto:send_partnershipservice@bathnes.gov.uk)

#### **Child Law Advice**

<http://childlawadvice.org.uk/information-pages/transport/>

Telephone: 0300 330 5485