

CABINET

20 DECEMBER 2016

HOME TO SCHOOL TRANSPORT POLICY FOR MAINSTREAM CHILDREN AND CHILDREN WITH SEND

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Summary

All Local Authorities have a statutory duty to have in place arrangements for the provision of home to school transport for children and young people who meet the published eligibility criteria.

This report proposes changes to both the mainstream policy and that for children with Special Educational Needs and Disabilities (SEND) and to combine the two previously separate policies into a single policy document covering both areas. This is in line with Cabinet expectations and to realise budgetary savings whilst continuing to ensure that all minimum statutory requirements are met.

The denominational elements of the current home to school transport policy go beyond the statutory minimum. The SEND travel policy for children below statutory school age also goes beyond the statutory minimum.

This report proposes changes to some non-statutory elements and Cabinet is requested to approve public consultation on the combined policy incorporating the proposals for change contained in this paper.

1 Budget and Policy Framework

- 1.1 The home to school transport policy supports the Council priority of supporting Medway's people to realise their potential. Any changes to policy will be a matter for Cabinet.

2 Background

- 2.1 This report provides details of options for changes to the current policy for consideration and progression to consultation.
- 2.2 Cabinet determined the Council's current mainstream home to school transport policy in July 2007. The policy was amended by Cabinet with effect from January 2009 to update the criteria for determining the nearest qualifying schools deemed to be selective. The policy should be reviewed regularly to ensure that it remains fit for purpose. Any further changes to policy are subject to consultation and Cabinet approval.
- 2.3 Cabinet determined the Council's home to school travel policy for children with SEND in 2012. In 2014, the government issued Statutory Guidance relating to children with SEND, specifying maximum journey times for a child of primary and of secondary school age. The current policy does not meet the standards set out in the guidance.
- 2.4 The statutory provisions for home to school transport are set out in the Education Act 1996 (As amended) Sections 508A, 508B, 508C and 508D, inserted by the Education and Inspections Act 2006.
- 2.5 In particular, section 508B of the Act imposes a duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children. 'Eligible child' is defined in Schedule 35B of the Education Act 1996 and includes a child with SEN, disability or mobility problems as well as a child who lives more than the statutory walking distance from the school and some other categories of child.
- 2.6 Section 508C of the Act provides local authorities with discretionary powers to go beyond their statutory duties and provide transport for children who are not entitled to free transport.
- 2.7 Subsequent statutory guidance sets out more clearly what constitutes an 'eligible child' for transport purposes and details the Council's responsibilities to publish a sustainable transport policy and sets out more generous transport criteria for pupils from low-income households, often referred to as 'extended rights'.
- 2.8 The DfE published new statutory guidance for children in mainstream schools in July 2014. Medway's current published home to school transport policy for non-SEND pupils is in line with this guidance but goes further than the statutory minimum in some areas.
- 2.9 There is no separate legislation regarding transport for children with SEND. However, the government issued statutory guidance [the Special Educational Needs and Disability Code of Practice: 0 to 25] for children with SEND in 2014. The current SEND travel policy goes further than the statutory minimum in one area, the provision of travel assistance for children with SEND attending specialist early years settings.
- 2.10 The 2014 Children and Families Act increased the age range for eligibility for an Education and Health Care Plan, for young people from 19 to 25). The

consequence of this is that there will be more applications for travel assistance for young people aged 19-25.

- 2.11 The 2016/17 mainstream home to school transport base budget is £1.136m with a forecast outturn of £1.188m as at the end of September 2016.
- 2.12 In addition to the base budget expenditure set out above, the council has received additional grant funding from the Department for Education (DfE) to provide for the 'extended rights' to school transport. The grant allocation for 2016/17 is £68,800 but is insufficient to cover the full cost of extended entitlement of £92,185. In 2012 the amount received for extended rights from the DfE was £222,000, compared to only £68,800 this financial year.
- 2.13 The home to school transport budget for children and young people with SEND for 2016/17 is £4.095m. The anticipated out-turn for 2016/17 is £4.944m.

3 Options

- 3.1 It is proposed that the Council removes some of the non-statutory elements of the current policies, as outlined in 3.2 and 3.6 below. In 3.2 the non-statutory elements would be removed for all children and young people other than those who meet the low-income criteria or for Medway Looked after Children (LAC). The removal of non-statutory elements could result in cost savings to the council (outlined in 4.2).

3.2 The removal of denominational transport assistance, except for low-income families and Medway LAC

- 3.3 As at September 2016, 13 pupils claimed free home to school transport on the grounds of religion who do not meet the low-income criteria. This is at a cost of approximately £9,100 for the academic year.
- 3.4 The proposal is to remove this discretionary denominational transport for all children unless they meet the low-income criteria or are a Medway LAC for phased implementation from 2018.
- 3.5 On this basis, the saving in the first year would be approximately £2,100. The saving would then be cumulative year on year, increasing to the full amount of £9,100 in year 5 based on current student provision.

3.6 Children with SEND who are below statutory school age

- 3.7 In the current academic year, home to school travel support is being provided to 20 children below statutory school age with a high level of SEND. These children attend one of three specialist settings at a total cost of £93,000. In order to reduce the pressure on the SEND home to school budget, it is proposed to consult to cease this entitlement.
- 3.8 For children with SEND, the option outlined in 3.7 would mean that the local authority would still be meeting its minimum statutory duty.

3.9 **Journey Times for Children with SEND**

3.10 In order to comply with the statutory guidance for children with SEND the Council is required to amend the SEND home to school travel policy and state the maximum journey times for primary pupils (45 minutes) and secondary pupils (75 minutes).

4 **Advice and analysis**

4.1 The potential savings from the implementation of any mainstream proposals will differ depending on whether the changes are phased or implemented across all year groups at the same time. The statutory guidance published by the Department for Education in July 2014 states:

“Good practice suggests that the introduction of any such changes should be phased-in so that children who start under one set of transport arrangements continue to benefit from them until they either conclude their education at that school or choose to move to another school. Parents make school choices based on, amongst other things, the home to school transport arrangements for a particular school, and any such changes might impact adversely on individual family budgets.”

4.2 The table below provides details of the saving that could be made on mainstream transport based on whether the changes are phased or implemented across all year groups at the same time, and the saving on SEN transport.

Para	Option	Annual saving (year 1) - if implemented across all year groups	Annual saving (year 1) – if phased implementation
3.2-3.5	Change policy to remove denominational transport entitlement where pupils are eligible under the low-income criteria or are a Medway LAC	£9,100	£2,100 Then increasing to £9,100 in year 5
3.6-3.8	Change policy to remove transport for children with SEND below statutory school age	£93,000 based on current spend only	

4.3 It is recommended that changes should be phased, in line with the Department or Education guidance highlighted in paragraph 4.1.

4.4 Consideration should be given to the date for implementation of any new policy: a start date of September 2017 would enable saving potential to be maximised. Whilst feasible, this would mean that the policy would change after families had submitted their applications for choice of school. As family decisions are likely to have been made taking account of transport policy, this is likely to cause negativity amongst families which could potentially cause reputational damage for the Council.

4.5 A start date of September 2018 would enable the new transport policy to be

available to families at the time they make decisions about school choices. This would enable families to make their choices in light of available transport support. This would mean that any savings would be delayed until 2018/19 financial year.

- 4.6 Formal public consultation on changes to the eligibility criteria in the home to school transport policy would need to be undertaken for a minimum of 28 days during term time in accordance with the statutory guidance.
- 4.7 The proposals provide greater financial sustainability as budget spend is reduced and directed to those in greatest financial need; those on low incomes and Medway Looked after Children.
- 4.8 The consultation will inform a Diversity Impact Assessment which will be brought back to Cabinet, should the proposal to consult on the matters outlined above be taken forward.
- 4.9 For children with SEND, the proposal to remove support for young children with SEND will encourage more children to attend local provision and will, therefore, encourage greater diversity and inclusion within these settings. The proposal is also in keeping with the SEND Strategy, adopted in October 2016, and could be implemented from September 2017.

5. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Increase in number of complaints and appeals	<p>There may be objections to the proposals from parents, schools or other stakeholders, leading to a potential increase in the number of complaints and appeals. This would create pressure on Council resources.</p> <p>In the event that legal proceedings were issued, the legal cost implications should also be borne in mind.</p>	Formal consultation to be undertaken on any proposed changes	CIII
Potential for discrimination challenge	There is a possibility of a challenge being brought, where discretion to make travel arrangements on the basis of parents religious beliefs is not favourably exercised	Equalities Impact Assessment	

Increase in complaints to Local Government Ombudsman	<p>There is a risk that there would be an increase in complaints to the Local Government Ombudsman (LGO) post appeal. This risk could be mitigated by phasing in the changes as per DfE guidance. Members would need a good reason to depart from this recommendation in the guidance – see paragraph 4.1.</p> <p>There could also be the risk of challenges by way of a judicial review claim being lodged in the High Court, on the basis that the decision was unreasonable in all the circumstance (irrationality) - including for example that the Council had failed to: (i) properly exercise its discretionary powers (ii) take into account all relevant considerations; and or (iii) fettered its discretion by applying a blanket policy.</p>	Formal consultation to be undertaken on any proposed changes.	CIII
Inability to issue travel passes on time	If implementation were from September 2017, too close to the start of the new academic year, this would have an impact on the ability of Student Services to deliver full assessments for all children and issue travel passes on time.	Implementation takes place for the academic year 2018/19	CIV
Accuracy of cost implications	The estimates provided are based on current pupil numbers, and current demand, and could increase or decrease.	Monitoring of budgets to understand actual savings and to flag potential budget pressures	CIII

6 Consultation

- 6.1 The changes proposed in this paper will require public consultation. It is proposed that this be carried out during January 2017. This will allow Cabinet time to consider any responses before confirming, amending or rejecting the proposals in March 2017. A decision is needed in March 2017 because the new policy, particularly for mainstream, needs to be in place before the next admission round begins. Although the admission round for 2018 does not start until September 2017, information, booklets and other publicity materials are finalised during the early summer.

7 Financial implications

7.1 The financial implications are set out in the body of the report.

8 Legal implications

8.1 The legal implications are set out in the body of the report.

9 Recommendation

9.1 Cabinet is asked to approve the draft Home to School Transport Policy for Mainstream Children and Children with Special Educational Needs and Disabilities for consultation in January 2017.

10 Suggested reasons for decision(s)

10.1 The proposals provide greater financial sustainability as budget spend is reduced and directed to those in greatest financial need; those on low incomes and Medway Looked After Children.

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Appendices

Appendix 1 – Draft ‘Home to School Transport Policy for Mainstream Children and Children with Special Educational Needs and Disabilities’

Background Documents

None



Medway Council

Home to School Transport Policy

- **Mainstream pupils**
- **Pupils with SEND**
(Special Educational Needs
and Disabilities)

This policy is for Medway resident pupils only

Authors: Programme Lead-School Services
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Version Control

Version	Date	Type	Author
1-0	2 December 2016	First Draft	Simon Harrington Programme Lead- School Services
1-1	6 December 2016	Revised Draft	Simon Harrington Programme Lead- School Services
1-2	12 December 2016	Final Revised Draft	Simon Harrington Programme Lead- School Services

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Contact details

Any questions or matters arising should be directed to the relevant department.

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Introduction

All local authorities have a statutory duty to have in place arrangements for the provision of home to school transport for children and young people (mainstream and SEND) who meet the published eligibility criteria.

The Home to School Transport Policy is developed within a national legal framework that sets out what local authorities must do to facilitate travel to school and sets out eligibility criteria for granting that support.

Under S,7 of the Education Act 1996, it is the responsibility of the parent of every child of compulsory school age, to cause their child to receive efficient full-time education either by regular attendance at school or otherwise. The duties and powers of local authorities to provide home to school transport are covered in other sections of the Act and its amendments. The provision of transport support incorporates consideration for children from low-income families.

Sections 508B and 508C of the Education Act 1996 (as amended) sets out the local authority's duties and powers respectively, to make such suitable travel arrangements as the local authority considers necessary, to facilitate a child's attendance at school. This applies to home to school travel arrangements and vice versa. They do not relate to travel between educational institutions during the school day.

This policy has been written having regard to the Department of Education's statutory 'Home to School travel and transport guidance' published in July 2014 (<https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>) and the Equality Act 2010.

Part one – Eligibility criteria, definitions and general information

1.1 Standard eligibility criteria (compulsory school aged children)

The standard (basic) eligibility criteria for entitlement to receive home to school transport assistance is that:

(i) The child must live more than the minimum eligible statutory walking distance for the child's age from the school being attended, as detailed below:

For children of compulsory school age and under eight years old – the school attended must be more than two miles from the home address.

For children aged eight and over – the school attended must be more than three miles from the home address.

And

(ii) The school attended must be deemed the nearest qualifying school to the home address.

And

(iii) The child/young person must be resident in Medway. Families living outside of Medway must apply through their home local authority, even if transport is to a Medway school.

1.2 Low-income eligibility criteria (compulsory school aged children)

A low-income family is defined as one where a child is entitled to free school meals and/or if the parent is in receipt of the maximum level of Working Tax Credit.

Please Note: This definition is prescribed by Central Government and may be subject to change.

If the applicant meets the above definition of a low-income family then a child will qualify for home to school transport assistance **if they live more than two miles, but not more than six miles, from one of their three nearest qualifying schools**. This distance is extended if the child is attending a faith school on the grounds of their faith (see paragraph 1.3).

In order for the relevant assessment to be made for low-income home to school transport assistance, applicants must provide an up to date full copy of their proof of benefit with the applications or, if applying on the grounds that the child is in receipt of free school meals, applicants must complete the relevant details on the application form so that the claim can be verified.

Where transport assistance is granted under this criterion, it will be assessed on an annual basis to determine whether the pupil is still eligible.

1.3 Denominational (faith) transport (compulsory school aged children)

NB: For Medway Looked after Children and low-income families only

An application can be considered to certain faith schools where: the pupil is attending the school, it was chosen because of its faith status and the pupil is of the same faith/denomination as that of the school.

In these cases the Council will consider the school as the nearest qualifying to the home address where:

(i) It is over the minimum eligible distance (for low-income families, it must be one of the three nearest qualifying schools of the relevant faith between two and fifteen miles from the home address, as stated in the Department for Education statutory guidance)

and

(ii) It is the geographically nearest school of the relevant faith to the Medway home address

and

(iii) The pupil is of the same faith/denomination as the school concerned (proof of faith/denomination is required and the application must be countersigned by the appropriate church authority, verifying that the pupil is a regular practising member of a church of the same faith/denomination as the school concerned). If such proof is not provided, the application cannot be considered on faith/denomination grounds.

1.4 Nearest qualifying school

The definition of the nearest qualifying school is:

(a) The geographically nearest school to the pupil's home address that is suitable to the pupil's age, ability and aptitude.

(b) Only one school can be deemed as the nearest qualifying school and this may include non-Medway schools

(c) For secondary age pupils, Medway Council also take into account whether a child is of grammar ability (under the Medway Test assessment procedures) or non-grammar ability. For grammar assessed pupils a Medway grammar school will be considered as the nearest qualifying school.

(d) A preference for single sex, mixed or particular type of school or a preference for a school because of its specialism or because it teaches certain subjects cannot be taken into account.

Qualifying schools include:

(i) Community, Voluntary Controlled, Voluntary Aided and Foundation schools (including special schools for pupils with an EHCP only)

(ii) Academies and Free Schools

(iii) Non-maintained or independent special schools (for pupils with an EHCP only)

(iv) Designated specialist provision or a unit attached to a maintained mainstream

school or academy (for pupils with an EHCP only)

(v) Pupil referral units (PRUs) – transport assistance is not provided for part-time PRU placements.

1.5 Expression of school preferences

When the school being attended is not the nearest qualifying school, home to school transport can only be considered if:

- (a) The nearest qualifying school has been applied for as a highest named preference but not offered
- (b) The nearest qualifying school has been applied for as a higher preference than the school being attended
- (c) Schools have been applied for in qualifying distance order (i.e. the nearest qualifying school has been applied for as the first/highest preference, the next nearest qualifying school as the second preference, and so on). This principle and minimum eligible distances apply for all preferences.

If the nearest qualifying school has not been applied for or has been applied for as a lower preference than the school attended, the pupil will not be eligible for home to school transport even if over the minimum eligible distance.

1.6 Accompaniment

The general expectation is that a child will be accompanied on their journey to and from school as necessary. It is the parent/carers responsibility to ensure appropriate accompaniment, if required.

Medway Council wishes to ensure equality of opportunity for children whose parents/carers have a disability which prevents them from accompanying their child along a walking route and will consider relevant up to date medical information, when assessing a home to school transport application, as long as it is provided at the time of application and is from a GP, Consultant or other medical practitioner.

1.7 Application process timescales

All applications will be considered against each of the relevant eligibility criteria, as detailed above, and any additional parameters relevant to the individual pupil and whether they are mainstream or SEND (as detailed in parts two and three of this policy).

The estimated timescale for the processing of applications is up to four weeks from the date of receipt of the application by the relevant Medway Council department (i.e. School Services for mainstream pupils and the SEN Team for SEND pupils).

This timescale includes the application assessment, notification of decision, receipt of the relevant travel pass (where applicable) and the setting up of the appropriate transport.

1.8 Definition of the home address

The address that must be used for the assessment of eligibility for home to school transport is the **pupil's main place of residence**.

If the pupil is from a separated family and may live part time with each parent at two addresses, only the main place of residence can be considered for home to school transport purposes (e.g. where the pupil is registered as living for GP's, child benefit, etc).

Medway Council can only provide transport assistance from one address and will only grant assistance for one return journey from the pupil's home address (as defined above) to school each day.

It is the responsibility of parent/carers to inform Medway Council should the home address change. In most circumstances this would require the home to school transport to be re-assessed for eligibility.

1.9 Shortest available walking route

All distances calculated for home to school transport purposes are measured using the shortest available walking route from the home address to the school address.

Distances are calculated using the Medway geographical information software and may take account of footpaths, public rights of way, etc.

The shortest available walking route is one along which a child can walk to school, **accompanied**, with reasonable safety.

The safety of a route is considered and the relevant route assessment focusses primarily on identifying the road safety risks observed along the route. Such assessments are handled in accordance with the national 'Assessment of Walked Routes to School' guidelines produced by Road Safety Great Britain (RSGB) in 2012. These state, "Case law has found that assessments must look at the relationship between pedestrians and traffic only. Personal safety issues of children travelling alone are not considered. Local authorities are not legally obliged to provide free transport just because parents perceive the route to be unsafe on the grounds of personal safety and security."

The same method of measurement and route calculation is used for all applications to ensure that the nearest qualifying school can be identified.

If the route calculated is determined to be unavailable, then the distance and route is used for measurement purposes only and there is no expectation for the pupil to walk the route determined.

1.10 Limitations and matters that are not considered in home to school transport assessment

(a) Medway Council do not provide home to school transport for any child below compulsory school age in either a school, nursery or pre-school setting.

(b) Parent/carers work or other commitments

(c) Attendance of sibling at the relevant school or other schools

(d) If the parent/carer chooses for their child to attend a school that is not deemed the nearest qualifying

(e) Work experience placements

(f) Any travel between educational establishments, visits to other schools, colleges or other establishments

(g) Attendance of any out of hours clubs (e.g. breakfast and after school clubs or any extra curricular activity outside of the normal school day)

(h) Attendance at any educational provision at weekends or bank holidays or any link courses, elective lessons, etc that take place outside of the normal school day.

(i) The use of any address other than the home address. This includes any address used for childcare/childminder arrangements.

1.11 Expectations of behaviour

All children who are granted home to school transport assistance are expected to adhere to the behaviour terms and conditions of both Medway Council and the relevant transport operator.

Any ticket issued is subject to the conditions of travel set by the relevant transport operator. By signing the application form and accepting the ticket both the parent/carer and the child are agreeing to abide by such conditions of travel.

If the child misbehaves their ticket may be withdrawn either temporarily or permanently, depending on the circumstances of the individual case. In these situations the parent/carer is then responsible for their child's travel arrangements. The transport provider will advise Medway Council if a child is banned from travel and the Council will no longer accept responsibility for the child's travel nor provide alternative arrangements.

Only the child named on the ticket is entitled to use the allocated ticket. If it is found that the ticket has been misused by another child then the relevant transport provider may pursue a prosecution against the eligible child and the child found using the ticket.

A Headteacher may also make a decision on whether a child's behaviour whilst travelling determines that transport assistance should be withdrawn. Such decisions should only be made based on sufficient evidence and following discussions with Medway Council.

1.12 Modes of transport

The route an eligible child will travel and the mode of transport to be used is determined by the Council when transport assistance is granted to ensure best value for money. This means that pupils will normally travel by public transport.

For SEND pupils their specific needs are also taken into account and may determine that they travel with other children in larger vehicles, **such as a minibus.**

The use of a taxi is not a normal mode of transport and will only be considered based on the specific needs of the child (for SEND pupils) and in exceptional circumstance (for mainstream pupil), as long as supporting documentation is provided. Decision on the use of a taxi are made on a case-by-case basis.

Part two – Home to school transport for mainstream pupils (aged 5-16)

2.1 Initial assessment

All applications will be considered against of the relevant eligibility criteria, as detailed in part one above, and the provisions of this policy.

(i) Where the initial assessment determines the pupil **is eligible** to receive home to school transport assistance, the applicant will be formally notified and the relevant travel pass issued, along with details of the transport provider/operator.

(ii) Where the initial assessment determines the pupil **is not eligible** to receive home to school transport assistance, the applicant will be formally notified of the decision and the reasons why the application has not been successful. This decision will also provide details of the appeal process (as shown in part 4 of this policy)

2.2 Transport assistance for children who move house during a critical stage

Where a family move home during a critical stage of their child's education (during Year 6, 10 or 11) home to school transport assistance **may** be granted to the current school being attended to allow completion of their course.

The minimum statutory eligible walking distance (as detailed above) and consideration of ease of access from the new home address to the school being attended will be taken into account when assessing suitability of providing transport assistance.

2.3 Requested mode of transport

On the mainstream application, parent/carers have the opportunity to express a preferred mode of transport. The options are bus, rail or fuel allowance. The fuel allowance is calculated at a cost per mile (or part thereof) for one return journey each school day. There is a maximum allocation of fuel allowance that can be granted each academic year and all allowances are issued three times per academic year (September, January and April).

For the latest information on the cost of fuel allowance per mile that can be granted, please contact School Services via the contact details set out on page 4.

2.4 Transport to independent and/or non-Medway schools for mainstream pupils

Medway Council **do not** provide home to school transport assistance for any Medway resident child attending an independent, private or fee-paying school.

In certain circumstances home to school transport assistance may be considered for a Medway resident attending a non-Medway school if said school is deemed the nearest qualifying school, or the pupil has moved house during a critical stage, or if qualifying on low-income and/or denominational grounds (as detailed in part one of this policy).

2.5 Consideration of medical needs for mainstream pupils

In exceptional circumstances, mainstream pupils may be given special consideration for home to school transport on the basis of medical grounds. If an application is being made on this basis, relevant medical evidence must be supplied at the time of application.

Such evidence must be up to date (dated no earlier than 6 months prior to the application, or the latest evidence available for long-term conditions (e.g. epilepsy, cerebral palsy, ongoing mobility conditions)).

The evidence provided must be from a GP, Consultant or other medical practitioner and must detail the child's medical needs, why the school being attended is the best suited to meet those needs and that the child is unable to access the school without transport assistance because of said medical needs and/or condition.

2.6 Home to school transport for Post-16 mainstream pupils

There is no free entitlement to home to school transport for Post-16 mainstream pupils.

Medway Council issued an annual policy statement providing information on the options available for Post-16 pupils. This can be found on the Medway Council website (www.medway.gov.uk) and selecting 'getting to school'.

Part three – Home to school transport for pupils with SEND

3.1 Applications

Parent/carers may apply for home to school transport assistance when their child has a final or amended Education, Health and Care Plan (EHCP) or a Statement of Special Educational Needs.

Medway Council will consider an application for transport when the pupil is in receipt of a proposed EHCP or when a decision has been made about a school or other placement.

3.2 Specific information for SEND pupils only

(a) Having an EHCP **does not** mean that a pupil is automatically eligible to home to school transport assistance. Eligibility is assessed based on (i) the individual needs of the pupil (taking into account their age and mobility) and (ii) the distance from home to the school being attended.

(b) For pupils attending work experience placements, transport assistance will only be considered if they rely on a wheelchair for mobility or are registered as blind.

(c) If the Council places a pupil with an EHCP in a specialist provision that is not the pupil's local school, for the purposes of this policy, such provision will be deemed to be the nearest qualifying school. The distance criteria (as shown in part one of this policy) will still apply when assessing the pupil for transport assistance.

(d) Wherever possible, parents/carers are expected to take their child to/from a pick up/drop off point. Such points will normally be within half a mile of the home address.

3.3 Type of transport provision and support

When making decisions about the type of transport provision to be granted for eligible pupils (in addition to the criteria set out in part one of this policy), including whether or not an escort is required, the Council will also consider:

- (a) the specific special educational needs of the pupil
- (b) the type of vehicle in which the pupil will be travelling in
- (c) the length of the journey (see 3.4 below)
- (d) whether the pupil is physically able to walk the home to school distance
- (e) whether the pupil is required to be accompanied by an escort.

Any transport provision granted will usually be in a shared vehicle with other pupils.

Single pupil transport will only be considered in exceptional circumstance and only where there is clear evidence to support the need. Any single pupil transport granted will be for a limited period of time and there is an expectation for the pupil to return to shared transport at the end of the specified period.

Transport assistance may be provided in various ways including a bus pass for use

on public services, an escort to accompany the child on foot or on public transport, a mini bus or, in very exceptional circumstances, an individual taxi.

The expectation is that as the pupil grows older and matures they use public transport wherever possible.

3.4 Length of journey

In normal circumstance the maximum journey time will be no more than 45 minutes for a pupil of primary school age and 75 minutes for a pupil of secondary school age, in accordance with statutory guidance.

In some individual circumstances (dependent on where the pupil lives and/or the location of the school being attended) it may not be possible to ensure this.

3.5 Consideration of medical needs for SEND pupils

In exceptional circumstances, SEND pupils may be given special consideration for home to school transport on the basis of medical grounds. If an application is being made on this basis relevant medical evidence must be supplied at the time of application.

The evidence provided must be from a GP, Consultant or other medical practitioner and must detail the child's medical needs, why the school being attended is the best suited to meet those needs and that the child is unable to access the school without transport assistance because of said medical needs and/or condition.

In addition, transport assistance may be provided where the parent/carer is unable to accompany their child due to their own medical conditions. Relevant medical evidence from a GP, Consultant or other medical practitioner is required.

3.6 Residential educational provision

For pupils placed in a 52 week residential school, Medway Council will provide one return journey at the start and end of the placement. Transport support will not be provided for any other visits to the school, or if the parent/carer chooses to take their child home for any reason.

For pupils placed in a residential school on a weekly, fortnightly or termly basis travel support will be provided according to the residential agreement. In these circumstances, Medway Council will provide one return journey at the start and end of the week, fortnight or term, as applicable. Travel support will not be provided for any other visits to the school, or if the parents choose to take their child home for any reason.

3.7 Provision of escorts

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

- (a) Where a number of children are travelling together and require supervision.
- (b) Where a child has a severe medical condition that requires support during transportation, a suitably trained escort may be provided.

Any request for an escort must be supported by detailed evidence that demonstrates the risk to the child and/or others. The evidence provided must include an up to date risk assessment and detail other strategies that have previously been applied.

Where an escort is provided, this requirement will be reviewed every 6 months. The need for an escort may change as the child grows older.

An escort's duty is to supervise pupils on the vehicle. They will assist pupils to board and to leave the vehicle but they cannot collect pupils from their home and take them into a school if that would mean leaving other pupils unattended in the vehicle.

Escorts' duties also include the delivery of notes, medication or money between home and school.

It is the parent/carers responsibility to supervise the pupil from the house to the vehicle and the duty of the school staff to get the child from the vehicle into the school building. At the end of the day school staff supervise the pupil's entry to the vehicle and parents/carers must supervise the pupil from the vehicle into the home.

Guidelines are issued for operators, drivers and escorts. All drivers and escorts will be required to undergo training and will carry an identity card which will be renewed every three years following a new Disclosure and Barring Service (DBS) check.

Where a pupil has a life-threatening condition we encourage parent/carers to act as escort. If this is not possible we will endeavor to provide an appropriately qualified escort, but this cannot be guaranteed.

3.8 Transport changes due to extreme weather

On rare occasions, severe weather may impact on Medway Council's ability to arrange transport safely. Where severe weather results in the requirement to cancel transport every effort will be made to notify parents at the earliest opportunity.

If transport is cancelled the Council will, wherever possible, try to give parents an indication of when it is likely to resume. 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 themselves, the parent/carer remains responsible for the return journey or any consequent costs should a return journey not be possible

(b) The parent/carer remains responsible for their child

Where a pupil is placed in residential provision and is unable to be transported home, the school and the parent/carer are responsible for ensuring that suitable arrangements are made for the child. This may include an extended stay in school, or overnight accommodation with an appropriate adult. If a child attends a residential school and is unable to get to school due to severe weather, a and b apply.

3.9 Time keeping

In order to enable drivers to keep to schedule and to pick up and return pupils home at the times agreed, parents are expected to have their child ready at appropriate times and be there to collect them when they are expected home.

A driver will wait for no more than three minutes beyond the scheduled pick-up time at a pick-up point in the morning.

If there is no-one to collect a child at the end of a school day, the driver will take the child on for the remainder of the journey and return to the agreed destination once all the other students have been delivered to their destinations. The child will not be left unescorted and will not be left with anyone other than the parent/carers without their written authorisation.

If the parent /carer is still not there to meet the child, and where there is no suitable alternative, Medway Council's Children's Safeguarding Team will be contacted and the child may be taken into care.

3.10 Transportation of equipment

Pupils are expected to travel with no more than one item of hand luggage.

Pupils attending residential schools are expected to travel with no more than one suitcase (or equivalent). Parents of a child who has extra items (e.g. to meet their medical or physical needs) are required to make prior arrangements to include these.

3.11 Review of transport provision

Unless otherwise agreed, Travel Arrangements will be reviewed on a regular basis, usually as part of the Annual Review process.

3.12 Pupil safety whilst travelling

The safety of children who are eligible for support with transport is Medway Council's first priority. In particular, Medway Council will ensure that:

- (a) All drivers and escorts have been checked and cleared by the Disclosure and Barring Service (DBS) and carry identity cards
- (b) Seat belts are provided and used on all contract vehicles.
- (c) Car seats/booster seats are provided in accordance with current Government legislation.
- (d) Escorts receive appropriate training and are familiar with safety and emergency equipment.

3.13 Personal allowances

The Children and Families Act (2014) introduced the option for parents to ask for a personal budget for some elements of a child's Education Health and Care (EHC) Plan.

Although entitlement to travel assistance rarely forms part of an EHC Plan, Medway Council uses its discretionary powers to treat home to school/college travel as if it were part of an EHC Plan. This means that parents can ask for the cost of travel assistance to be paid as a personal cash allowance, and to make their own arrangements to ensure their child gets to school. This might include taking the child themselves or paying someone else to provide the service.

A personal allowance cannot cost the local authority more than it would otherwise cost to provide the service. A travel allowance will not normally be offered when there is a place available on existing transport and at a cost less than the cost of payment to parents/carers.

In cases where a pupil would be travelling a route not served by existing contract transport and the cost of providing individual transport would be costly, parents will be offered an allowance to cover the cost of travel.

A travel allowance is normally payable at an agreed rate for the journey to and from school where the child is transported i.e. two journeys.

Claims for an agreed travel allowance must be presented monthly and received by the Council's SEN Team no later than the 14th of each month to enable payment of travel allowance for the preceding month. No other time schedule is possible. It is the responsibility of parents/carers to submit the claim on time. Claims received for travel allowance outside of the specified time frame will not be paid.

Claims should be for the actual mileage incurred. Where claims are discovered to be for amounts greater than is justified, the Authority will seek reimbursement and will refer cases of fraud to the Police.

Claims must be in the format prescribed on the template invoice. All claims must be presented on the appropriate pro-forma.

3.14 Transport arrangements for learners aged over 16 but under 25 with learning difficulties and or disabilities

Medway Council has a duty under DFE "Post 16 Transport to Education and Training" Statutory Guidance for local authorities (February 2014) to consider travel arrangements for learners with learning difficulties and/or disabilities.

The Guidance states that the transport needs of young people with learning difficulties and/or disabilities should be reassessed when a young person moves from compulsory schooling to post 16 education.

The Guidance also strongly recommends travel training schemes to enable young people with learning difficulties and/or disabilities to gain skills which can be used for travelling to education or training, particularly because of the all round benefits.

Eligibility

A Statement or Special Educational Need or an Education, Health and Care Plan does not provide automatic entitlement to free travel arrangements.

An application must be completed and Medway Council will consider travel arrangements for young people with learning difficulties and/or disabilities who are

resident within Medway, subject to a Statement of Special Educational Needs or an Education, Health and Care Plan, aged over 16 but under 25, and who live more than 3 miles (by shortest available walking distance) from the education institution or training provider.

Arrangements

If a young person is eligible, one of the following travel arrangements may be provided:

- A travel card.
- Travel training (with a travel card).
- A travel card with a “walking escort”.
- A place on a hired vehicle.
- A personal allowance, based on the distance from home to school/college (as requested either by the young person or by his/her parent/carer)

Arrangements will be appropriate to the needs of the young person and follow the DFE guidance to promote independent travel skills.

Travel provision on a hired vehicle or with a walking escort must be between one defined “home address” and the educational institution or training provider.

Travel provision on a hired vehicle or with a walking escort will be made for the days during the academic year on which the young person attends the educational institution or training provider.

Travel provision on a hired vehicle or with a walking escort may be subject to change to an alternative provider at the discretion of Medway Council. There will be no right to appeal regarding the change in this case.

Travel arrangements will be reviewed in line with the Person Centred Annual Review process, and may change to an alternative arrangement depending on the updated needs of the young person.

What cannot be considered

Medway Council is not able to take the following into account when considering transport entitlement: for eligible young people with learning disabilities and/or disabilities:

- The work commitments of family members or carers with whom the young person may live.
- Attendance by siblings at other schools, educational institutions or training providers.
- A work experience placement (other than as agreed by Medway Council SEN as part of the young person’s course or training and which takes place during the academic year and core hours for the educational institution or training provider).
- A journey from one educational establishment to another.

- Ad hoc visits to other schools, colleges or other establishments.
- Out of educational hours activities.
- Link courses/elective lessons/sessions/courses that take place outside normal educational institution or training provider hours.
- Any educational provision or training planned over weekends or bank holidays.

3.15 Young people over the age of 16, but under the age of 25 in residential educational provision

Where a young person is placed in a 52 week residential provision school transport arrangements are not provided. In these circumstances, Medway Council will provide one return journey at the start and end of the entire placement. Transport arrangements will not be made for any other visits to the school, or if the parent/carer chooses to take the young person home for any reason.

Where a young person is placed in a residential school, other than on a 52 week residential basis, transport arrangements will be provided according to the residential agreement (dependent on weekly, fortnightly or termly fee arrangements). In these circumstances, Medway Council will provide one return journey at the start and end of the week, fortnight or term, as applicable. Transport support will not be provided for any other visits to the school, or if the parents choose to take the young person home for any reason.

Part four – The home to school transport appeal process

4.1 Stage One: review by a senior officer

If a pupil is assessed as not eligible for home to school transport assistance, applicants may wish to ask for the decision to be reviewed by a senior officer.

(i) Requests for a stage one review must be received, in writing (letter or email) by the relevant Medway Council department (i.e. School Services for mainstream pupils and the SEN Team for SEND pupils) within 20 working days from the date of the initial formal decision notification.

(ii) The written request must detail why the parent/carer believes the decision should be reviewed and give details of any specific circumstances that they feel should be considered as part of the stage one review. The parent/carer can submit any additional evidence they wish considered in the review at this stage.

(iii) A senior officer from the relevant department will undertake the review and provide written notification of the review outcome within 20 working days of receipt of the request.

(iv) If the outcome of the review is to uphold the initial assessment decision not to grant home to school transport assistance, then full details and any relevant form regarding how to proceed to the stage two appeal will be provided.

4.2 Stage two: Appeal to independent appeal panel

If the outcome of the stage one review is to uphold the initial assessment decision not to grant home to school transport assistance, the applicant may pursue a formal appeal if they wish.

(i) Requests for a stage two appeal must be received, in writing by the relevant Medway Council department (i.e. School Services for mainstream pupils and the SEN Team for SEND pupils) within 20 working days from the date of the stage one review formal decision notification.

(ii) The appeal request must detail the reasons why the parent/carer is appealing and give details of any specific circumstances that they feel should be considered. The parent/carer can submit any additional evidence they wish considered in the appeal at this stage.

(iii) The Medway Council Democratic Services Team administers all the appeals and, once the appeal request is received, it will be lodged and the details forwarded to the Clerk for the School transport and Curriculum Appeals Committee for processing.

(iv) The School Transport and Curriculum Appeals Committee, which consists of a panel of five Councillors, will hear the appeal within 40 working days of receipt of the written request.

(v) Parents/carers will have the opportunity to attend the hearing. They can be accompanied by a friend, colleague or Ward Councillor and may choose to have a representative to help present their case. An officer from the relevant department

will be present to provide details of the case and the reasons why transport assistance has not been granted.

(vi) Following the appeal hearing, the committee will make their decision in private and both parties will be notified of the decision in writing from the Clerk, within five working days.

If a stage two appeal is not upheld parents/carers have 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.

4.3 Grounds for review/appeal

The grounds on which a parent/carer can request a stage one review or a stage two appeal are not limited and is for parents who wish to challenge a decision about:

- (a) Their child's eligibility
- (b) The distance measurement in relation to statutory walking distances
- (c) The safety of the route
- (d) The transport arrangements offered
- (e) Any exceptional circumstances that the family may have.

4.4 Complaints regarding service operational matters

Any complaints relating to the operational service provided (e.g. lateness of vehicles, etc) on a specific route or service must be directed to the actual service provider. For SEND pupils on hired vehicles this is the Council's service provider, Medway Norse.

Part five – Other transport options

Where a pupil is **not eligible** to receive free home to school transport assistance, the following schemes are also available.

5.1 Medway Youth Pass

This scheme entitles all young people who live in Medway to apply for and receive a photo-card that lasts for three academic years or until the young person becomes sixteen years old (whichever is sooner).

Young people aged between sixteen and eighteen are also entitled for this scheme and will receive a photo-card that lasts to the end of the academic year in which they become eighteen.

The scheme provides for young people to pay half the adult fare for a single journey at all times when travelling on local bus services.

To qualify the journey must start in Medway and can be to any destination in Medway or Kent, as long as any change of bus takes place in Medway.

Medway Youth Passes are not valid on the subsidised yellow bus routes (MY buses) run by Medway Council or with companies that already offer a child fare.

Before applying for a Medway Youth Pass, parent/carers should verify with the appropriate bus company that the pass can be used on the relevant service/route and whether there is a more cost effective method to obtain a ticket from the bus company.

For up to date information on the cost of the Medway Youth Pass and where to apply for one, parent/carers should contact the School Services Department via the contact details provided in this policy.

5.2 Yellow Bus Scheme (MY buses)

Medway Council operates a series of bus services which supply school buses for pupils living in certain parts of Medway to travel to certain Medway secondary schools at a reduced cost than public transport.

Details of this scheme are available at <http://www.medway.gov.uk/parkingandtransport/buspassesandtimetables/schoolbus timetables.aspx>

5.3 Vacant Seat Payment Scheme (VSPS)

Children who do not qualify for free home to school transport assistance may apply for a vacant seat on a hired school vehicle, if one operates on the required route, at a cost.

It is important to understand that should a vacant seat be granted it might be withdrawn at any time if it is subsequently required by a child who is eligible to receive free home to school transport assistance, or if the transport being used is withdrawn from service.

Details of this scheme are available at

<http://www.medway.gov.uk/schoolsandeducation/gettingtoschool/vacantseatspayment/scheme.aspx>