

# **Medway Council**

Appendix 2

## **Special Educational Needs and Disabilities (SEND)**

### **Education Travel Assistance Policy 2025-2026**

**for children of compulsory school age 5 to 16**



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## 1. Introduction

This is the SEND education travel assistance policy for Medway Council. **It applies to pupils who are between 5 and 16 years-old who live in Medway**, whether in mainstream or special provision, with special education needs, disability, or mobility problems, who have an Education, Health, and Care (EHC) plan.

There is a Post-16 transport to education and learning policy statement, published annually in April, for older pupils, including travel assistance for students who are between 19 and 25 years-old with special educational needs and disabilities.

Medway Council has a statutory duty to provide free home to school travel assistance for eligible children of compulsory school age.

This means we must provide assistance for children to travel to and from their school if they live in Medway and are deemed eligible. The Department for Education defines the term "eligible child". We use that definition in this policy.

## 2. General

Parents and carers are legally required to ensure their child attends school. This means they must take all the action necessary to enable their child to attend school. This includes making arrangements for their child to travel to and from school

Where travel assistance is provided by the council, this is for attending the normal school day. The council is not responsible for travel between institutions during the school day, for part time timetables or to enable children to attend extra-curricular activities and other commitments outside school hours.

This includes, where a child may be directed off site by their school, e.g. to attend alternative provision.

We support schools and families by encouraging sustainable travel to and from school. We hope that most children and young people can travel by foot, bicycle or on public transport. These methods improve health and well-being and the environment.

We are committed to making the streets outside our schools safer and healthier for our children. To help us do this, we have introduced School Streets across Medway. More information about school streets scheme is at [School Streets Scheme](#)

We produce a Sustainable Modes of Travel Strategy, which can also be found on our website.

Definitions can be found in Appendix 1.

We aim to provide clear and accurate information. In writing our policy, we have referred to the current Department for Education Statutory Guidance published in January 2024. Department for Education Statutory guidance for local authorities – [Home to school travel and transport guidance](#)

## 3. Eligibility

### 3.1. Eligibility criteria for pupils with special educational needs

A child is eligible to travel assistance if they are:

- of compulsory school age (5-16 years) and **attend their nearest** qualifying school
- live within the **statutory walking distance** from that school
- they could not reasonably be expected to walk to that school in reasonable safety, because of their **special educational needs, disability, or mobility problems** even if they were accompanied by their parent or carer, and even if the child lives within the statutory walking distance of the home address

Not every child with an EHC plan or who attends a special school will be eligible for travel assistance to school. Equally, a child does not need to have an EHC plan to be eligible for travel assistance.

A child **will not** be eligible for travel assistance solely because of their parent or carer's work commitments or caring responsibilities.

Each case will be assessed on an individual basis. We will consider information provided by the parent or carer, school and any professionals involved, for example, educational psychologist or hospital consultant, which illustrates why the child may not be able to **walk** to school.

It is likely we will ask parents to provide some or all of the information needed to make our decision.

Children may be eligible under the 'Extended Rights' criteria. Please see **section 3.7** for further information.

### **3.2. Home address**

The address that must be used for the assessment of eligibility for education travel assistance is the **child's main place of residence**.

If a child resides at more than one address during the week, only the main place of residence will be considered for education travel assistance purposes (e.g. where the pupil is registered as living for GP's, child benefit, etc). Where this is disputed, the council will not provide assistance until all parties agree or there is a court ruling.

The council will only provide travel assistance from one address and will only assist for one return journey from the child's home address to school each day.

It is the responsibility of the parents or carers to inform the council should the home address change. Any change in circumstances requires a new application for travel assistance and a re-assessment of eligibility.

### **3.3. Nearest suitable qualifying school**

The nearest suitable qualifying school is the nearest school where a place could have been secured that is suitable for the child's age, ability and aptitude or special educational needs.

If the council places a child with an EHC plan in a specialist provision that is not the child's local school, for the purposes of this policy, such provision will be deemed to be the nearest suitable qualifying school.

For secondary age pupils, the council takes into account whether a child is eligible for a Grammar School (under the Medway Test procedures or admitted to a Medway grammar school following an independent admission appeal). In these circumstances, the nearest grammar school will be considered as the nearest suitable qualifying school.

Individual preferences, e.g. single sex, mixed or preference for a school because of its specialism or because it teaches certain subjects do not count when determining the nearest appropriate school.

### **3.4. Expression of school preferences**

Parents and carers should consider how their child will get to school at the time they are requesting the schools they would like named in the EHC plan.

The law says parents and carers must be given the opportunity to express a preference for the school they would like their child to attend. They may name any school they wish during the

admissions process but, to be eligible for travel assistance, they must attend the nearest suitable school with a place available that can meet the child's needs.

In line with [statutory guidance](#), published in January 2024, your child will not be eligible for travel assistance if the education provision was chosen under parental preference, and a nearer qualifying provision has been identified and offered a place. This also extends to named schools/colleges on an EHC plan where this was parental preference over a local provision able to meet the needs and offering a place.

Any travel arrangements or expenses will be the responsibility of parents/carers if there is a nearer suitable qualifying school. An application for travel assistance does not affect whether a school should be named in an EHC plan.

### **3.5. Statutory walking distance**

Medway Council, in accordance with its statutory duty, will provide home to school travel assistance for children of compulsory school age to the nearest suitable school to their home address who meet the 'statutory walking distance' criteria which are:

- 2 miles or more for children below the age of eight.
- 3 miles or more for children aged eight and above.

Where a child lives within the statutory walking distance (and is not eligible for travel assistance on any of the other grounds set out in this policy) the parent or carer is responsible for arranging their child's travel to school. There is no expectation that the child will walk. It is for the parent or carer to determine what arrangements would be suitable for their child.

In some circumstances a child with special educational needs or disability (SEND) may not meet the distance criteria but is unable to walk to school, even when accompanied by a parent or carer, because of their needs or mobility difficulties. Where this is identified through the assessment process then travel assistance will be offered. The distance criterion does not apply if the child is eligible for travel assistance due to their special education needs or disabilities.

The measurement of the statutory walking distances is not necessarily the shortest distance by road. It must be the shortest route along which a child, accompanied as necessary, may walk in reasonable safety. The route may also include footpaths, bridleways, other pathways, and alternative entrances to the school.

### **3.6. Unsafe walking route**

A child is eligible for travel assistance if:

- they attend their nearest suitable school.
- their school is within the statutory walking distance of their home, and
- they cannot reasonably be expected to walk there because the nature of the route means it would be unsafe for them to do so, and
- there is no reasonable alternative route within the statutory walking distance that would be safe for them to walk in reasonable safety, even if accompanied by their parent or carer.

When assessing whether a route can be walked in reasonable safety, the council will consider the whole of the route. This will include, for example, any sections that use footpaths or bridleways, as well as sections that use roads. They should consider a range of risks such as canals, rivers, ditches, speed of traffic and fields of vision for the pedestrian and motorist.

### **3.7. Eligibility for extended rights: Low-income eligibility**

A child's eligibility for travel assistance is extended if they are from a low-income family. The extended eligibility, means that the child is:

- aged 8 or over but under 11, attending their nearest suitable school and it is more than 2 miles from their home
- aged 11 to 16 years and attend one of their three nearest suitable schools provided it is more than 2 miles but not more than 6 miles from their home

A low-income family is one where a child receives free school meals because of the family's income, or their parent or carers receive any of the benefits listed below:

- Income Support
- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance
- The maximum level of Working Tax Credit
- Child Tax Credit – and have an annual gross income of no more than £16,190
- Universal Credit with an annual earned income of £7,400 or less
- The guaranteed element of Pension Credit
- Support under Part VI of the Immigration and Asylum Act 1999

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

In order for the relevant assessment to be made for low-income education travel assistance, applicants must complete the relevant details on the application so that the claim can be verified. If the claim cannot be verified, acceptable proof of benefit will be requested. No low-income education travel assistance can be provided without suitable evidence of receipt of a qualifying benefit.

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

If a child is no longer eligible for free school meals or if the parent or carer stops receiving universal credit, travel assistance will continue to be provided until the end of the academic year.

## **4. Children with an EHC plan**

### **Naming schools**

We may decide to name the parent or carer's preferred school even though it is further away from the child's home than the nearest school that can meet the child's special educational needs. In such cases, we may decide that the parent or carer will fund some or all of the transport to the school if we feel this would be incompatible with the efficient use of resources.

Where the council names the parent or carer's preferred school on the condition that the parent or carer arranges or pays for travel, the council will set this out in section I of the EHC plan. In this case, the council will include a transport disclaimer in the EHC plan on the express condition that the parent or carer accept and continue to accept liability for arranging and funding home to school transport.

Should the parent or carer at any point no longer be in a position to arrange or pay for the transport the council will review the EHC plan and may revert to the local authority named school if

it is determined that the cost of transport to the parent or carer's preferred school is incompatible with the efficient use of resources. This means that a child will not be eligible for travel assistance.

We may also name the preferred school where we decide that it would be compatible with the efficient use of resources to provide free home to school travel to the parent or carers' preferred school.

## 5. How we assess eligibility

We assess eligibility for children with SEND on a case-by-case basis and may ask for relevant information to help conduct a thorough assessment. This can include the following evidence from the parent, carer or other professionals involved with the family:

7. EHC plan
8. medical documents
9. proof of disability allowance
10. individual health care plan
11. letters from schools/other professionals about the child's needs

### 5.1. Measurement of distance to nearest school

For travel assistance, we assess distance between a child's home and their nearest school by measuring the shortest route along which a child, accompanied as necessary, may walk safely. This is not necessarily the shortest distance by road.

The route may also include footpaths, bridleways and other pathways.

We measure distance between home and school using the Medway Council's spatial data analysis software. This gives accurate shortest walking distances from the gate of the parent or carer's home to the main gate of child's school.

The same method of measurement and route calculation is used for all applications to ensure that the nearest qualifying school can be identified. All distances are calculated to four decimal places in miles and metres.

Ordnance Survey states that co-ordinates of a point on the map will be subject to a measure of accuracy. The absolute accuracy, which is the accuracy to a point originally surveyed at 1:1250 will be +/- 0.9 metres at a 99% confidence level. As home to school distance calculations deal with a home address and a school address, it is considered that any measurements made to route a child from home to school are given an overall accuracy of +/- 1.8 metres. This is the tolerance allowed for in all distance and route calculations.

The measurements produced by **Medway's spatial data analysis software** are the distance calculations that the council will use to determine transport eligibility. Distances from other measurement systems will not be considered.

### 5.2. Unsafe walking route and assessing route safety (refer to section 3.6)

As stated in section 3.6; to be eligible under the unsafe walking route criteria, a child must be attending their nearest suitable school.

Using the Road Safety Great Britain (RSGB) 'Guidelines on Assessment of Walked Routes to School' we consider a range of risks such as paths, canals, rivers, ditches, speed of traffic and

fields of vision for the pedestrian and motorist. We will consider whether the pupil could reasonably be expected to walk, **accompanied as necessary**, by a responsible person, such as a parent or carer or another adult.

The safety of a route is considered, and the relevant route assessment focuses primarily on identifying the road safety risks observed along the route.

Guidelines produced by RSGB in 2012, states, "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."

When assessing the shortest walking route and that route or part of a route is considered to be unsafe to walk and where there is no alternative available walking route that can be used that is less than the qualifying distance criteria travel assistance will be provided.

Where a route previously considered to be unsafe, becomes safe – for example, through the provision of a new footpath – transport will no longer be provided to any new applicants for transport assistance. Those applicants who have been entitled to transport due to an unsafe route will be provided with transport until the end of the current academic year before transport will be withdrawn. However, the council reserves the right to withdraw transport before the end of the academic year if it has good reason to do so.

### **5.3. Parents/carers accompanying their children**

Where a child does need to be accompanied, the expectation is that they will be accompanied by a parent or carer unless there is a good reason why it would not be reasonable to expect a parent or carer to do so. For example, the parent or carer's disability may prevent them from accompanying their child along a walking route.

Medway Council will work with families to promote and ensure equality of opportunity for children whose parents or 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 an application, as long as it is provided at the time of application and is from a GP, consultant or medical practitioner.

If a parent or carer is unable to accompany their child, due to being disabled or has a medical condition that prevents them from accompanying their child, we will ask the parent or carer for proof of their medical condition. The council may make an exception and use its discretion and make reasonable adjustments to provide travel assistance.

### **5.4. Limitations and situations that are not considered in travel assistance assessment**

Situations where we do not provide travel assistance include:

- travel to and from school extra-curricular activities or childminders address for example, activities taking place before or after the school day (e.g. breakfast and after school clubs)
- travel to and from any educational provision at weekends or bank holidays or any link courses, elective lessons, etc. that take place outside of the normal school day.
- travel to and from different sites of the same mainstream, alternative or specialist provision.

- travel to and from work experience placements.
  - travel to and from any address other than the home address. This includes any address used for childcare/childminder arrangements.
  - travel to and from school because the parent or carer is unable to take their child to school due to work commitments.
  - travel to and from school because a parent or carer has children in more than one school.
- travel to and from parental preference schools unless it is deemed the nearest suitable school

## 6. Applying for travel assistance

Once a parent has received an offer of a school place, if they believe their child is eligible for transport, the relevant application form is available on the website.

### 6.1. Applications, awards, and assessment outcomes and reviews

#### How to apply

The application form for travel assistance is available online at [Apply for travel assistance](#)

Requests for a paper form can be emailed to the SEND Transport Team at [senttransport@medway.gov.uk](mailto:senttransport@medway.gov.uk)

The application process commences in April each year, in readiness for September of the next academic year.

Parents and carers only need to apply once for the academic year. The assessment will cover the remaining academic year if the eligibility criteria is met.

#### Renewal applications

Parent and carers only need to reapply for travel arrangements at the following transition points as set out below:

##### Post-16

Parents and carers must tell us straight away if there is a change of circumstances and any changes in the information included on the travel assistance application.

Examples of changes in circumstances can include:

- change of home address
- change of school or college
- changes to benefits received
- changes in medication or mobility

### 6.2. Travel arrangements assessment outcomes

A decision regarding a child's eligibility for home to school travel assistance can only be provided once a completed application has been fully assessed by SEND Transport Team. All applications will be considered against each of the relevant eligibility criteria, as detailed above, and any additional parameters relevant to the individual pupil.

The estimated timescale for the processing of applications is up to four weeks (20 working days) from the date of receipt by SEND Transport Team. This timescale includes the application

assessment, notification of decision, issue of the relevant travel pass, or instruction (where applicable) to set up appropriate travel arrangements.

When the arrangement ends it is the responsibility of the parent or carer to make a further application from April for the new academic year starting in September. Your decision letter will tell you the date parents or carers need to review the assistance we provide. Parents and carers must apply again if travel arrangements are required after this review date. We may ask you to apply each academic year depending on the form assistance being provided.

### **6.3. Reviews**

Reviews for travel arrangements may be required if circumstances change from the date of your original application.

#### **Reasons for a more frequent review are:**

- change of school or home address
- change in the health or SEND or associated needs of the child, parent or carer, or other member of the family that affects the child getting to school

Unless otherwise agreed, applications for travel assistance must be submitted on an annual basis, and all existing arrangements are subject to an annual review process overseen by the Council's SEND Travel Assistance Panel.

### **6.4. Eligibility checks**

A child is assessed as being currently eligible for free travel to school if they are entitled to free school meals or a parent with whom they live with that receives maximum Universal Credit, subject to annual parliamentary change subject to certain conditions set out above under 3.7 above. Medway Council has a duty to ensure that public funds are protected. We will undertake checks with the Department for Work and Pensions as part of the eligibility assessment.

### **6.5. Awards made in error**

Where a decision to provide travel assistance has been made in error, we have the right to withdraw this after first considering the circumstances of each case to determine whether there are exceptional reasons for provision to continue. Where it is decided to withdraw assistance, up to one term's notice will be given. If the error was discovered before the commencement of the academic year, the arrangements will be withdrawn immediately.

## **7. Suitability of travel arrangements**

We aim to comply with Department for Education (DfE) guidance that states travel arrangements should be suitable, safe, and reasonably stress-free, so that children arrive at school ready for a day of study.

We will assess each application on an individual basis to ensure the travel arrangements meet the child's needs.

Travel arrangements will only be provided at the start and end of the school day.

Where particular classes, year group or pupils have a different start and finish time that is different from most pupils at the school, it will not normally be possible for the council to make separate travel arrangements. Schools may need to make arrangements to accommodate these pupils. There may be a small number of circumstances in which the council considers it appropriate to arrange transport at an alternative time of day, for example if a child has a medical condition which means they are not well enough to attend school for the whole day. Each case will be assessed on its own merits, and this does not set a precedent for other cases.

### **7.1. Journey times**

As a general guide, the maximum journey time should be 45 minutes each way for a child of primary school age, and 75 minutes each way for a child of secondary school age, including any time taken to walk to a pickup point, bus stop or train station. It is, however, recognised this may not always be possible.

Depending on where your child lives and which school they attend, the existing transport infrastructure and traffic build up in peak times might mean this is not always possible. Parents and carers should note that journey times include local traffic delays, time taken to on/off board a student from transport along with various collection/drop off points along the journey.

### **7.2. Pick-up/drop off points**

The Council may, at their discretion, use appropriate pick-up/drop off points when making travel arrangements using QRoutes. This reduces the time needed for the route to pick up the pupils and supports children and young people to become more independent and better prepares them for adulthood. These pick-up/drop off points should not exceed 0.5 miles walking distance from home and are included in the journey time. The Council will take into account whether the child or young person is able to walk to and from a pick-up/drop off point. The Council will also ensure that it is aware of any individual circumstances which may mean that a pick-up/drop off point is not appropriate for a child or children on that route due for example to their additional needs.

Achieving this level of independence will not be possible for some children and young people with the most complex SEND needs, and in some cases parents and carer's own mobility or disability may impact on them being able to accompany their child to and from a pick-up/drop off point. In such circumstances, the Council will carefully consider and assess the individual child's needs as well as the mobility and or disability of their parent or carer.

The Council will usually seek quiet residential areas to use as pick-up/drop off points and must factor in things like places to park, dropped kerbs, and sufficient space for the vehicles. It is the parent or carer's responsibility to make sure that their child travels to and from the pick-up/drop off point and transfers to and from the vehicle safely. Please note it is a parental responsibility to make an assessment if their child can go to and from pick up points on their own. Should the child require adult assistance, it is a parental responsibility that the child is taken to and from the pick-up point safely unless the SEND Transport Team receives written authorisation from the parent or carer that their child is able to travel independently to/from the vehicle.

If a pick-up/drop off point is implemented, parents and carers who disagree that the transport offer is suitable for their child will be able to appeal.

For parents or carers who are temporarily unable to take their child to or from a pick-up/drop off point, no temporary assistance will be provided in those circumstances. This is because the child's

special educational need or disability has not changed and the transport service from the pick-up/drop off point is available.

## **8. Forms of travel assistance offered to an eligible child**

Where a child is eligible for travel assistance under this policy, the council will determine the most suitable travel assistance.

The council prioritises environmentally friendly and sustainable modes of transport. The assistance will be one of the following options:

- walking bus
- individual walking escort
- bikeability, with cycling proficiency course
- public transport (bus or train pass)
- fuel allowance
- personal travel assistance budget
- shared transport (minibus)
- solo transport (taxi) in cases of evidenced complex or exceptional need

The SEND Travel Assistance Panel will consider all applications to establish eligibility and determine the most appropriate travel arrangement. The panel will assess every application on its own merits and consider all the information available at the time of the assessment from sources such as the application for SEND transport, the child/young person's EHC plan, a Person-Centred Annual Review (PCAR) and any additional supporting evidence provided.

We will also consult our SEND team colleagues and other professionals involved in your child's care, should we require more information or need their input in decision making. The form of travel assistance offered will take into account any special arrangements needed to support the child's needs, while delivering the best value.

When making decisions about the type of travel assistance to be granted for eligible pupils, including whether or not a passenger assistant is required, the Council will consider:

- the specific special educational needs of the child
- whether the parent or carer might wish to be financially supported to make their own travel arrangements
- where applicable, the type of vehicle that the child will be travelling in
- the length of the journey
- whether the child is physically able to walk the home to school distance
- whether the child is required to be accompanied by a travel companion or passenger assistant

When applying for assistance please ensure you provide the team with any information that you think will be relevant for the provision of transport. This is to ensure that should transport be awarded, the provider is in a position to meet your child's needs.

If a parent or carer fails to inform us of information crucial for scheduling transport (for eg. My child is a wheelchair user), assistance may be delayed, and the parent or carer will be responsible for arranging transport for their child during this period. The council will not reimburse any costs incurred during this time.

## **8.1. Review of transport provision**

Unless otherwise agreed, applications for SEND Travel Assistance must be submitted on an annual basis, and all existing arrangements are subject to an annual review process overseen by the council's SEND Travel Assistance Panel.

## **8.2. 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 Plan (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 or carers can ask for the cost of travel assistance to be paid as a fuel allowance or, in cases of complex or exceptional needs, a direct payment in the form of a Personal Travel Assistance Budget (PTB) 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. The Council may also use its discretion to provide a Personal Travel Assistance Budget (PTB) where this provides the best value for money.

## **8.3. Fuel allowance**

A fuel allowance is payable at the Council's published mileage rate, for two return journeys from home to school each school day. Payments are made three times a year, in September, January and April. The council will carry out periodic attendance checks and reserve the right to stop payments and reclaim payments where attendance falls below 80%. Each case will be considered on its own merits and the particular circumstances surrounding the child.

Where there is more than one eligible child in the same family, attending the same school or schools within close proximity of each other, the council will not make separate payments for each child.

## **8.4. Siblings**

Although travel assistance may have been offered to an older sibling attending a school, the policy will be applied separately to younger siblings entering school in future years. Parents and carers should not assume that if one child receives assistance with home to school transport, that their siblings will also receive this in the future.

## **8.5. Personal travel assistance budget**

Personal Travel Assistance Budgets (PTBs) will normally represent the value of the cash allowance, plus an additional payment to support parents or carers to arrange personalised, flexible travel arrangements that suit the needs of their child and family. Parents or carers can spend the budget however they like as long as their child is supported to attend school regularly and on time. The Council reserves the right to terminate a PTB arrangement at its sole discretion should concerns arise in relation to school attendance.

The published PTB values represent the maximum proposed allocation for each distance banding and each application will be considered on an individual basis, taking into account the level of additional needs and requirements.

The value of the PTB based on distance bandings will be reviewed annually and published on the Council's website. A PTB cannot cost the local authority more than it would otherwise cost to provide the service and, in the case of high-volume routes, shared transport arrangements are

likely to continue to be the most cost effective and sustainable solution under most circumstances. A PTB will, therefore, 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 or carers.

The travel assistance budget can be used in the following ways:

- facilitate costs of running the family car
- arrange for family or friends to assist with the home to school travel
- spend on taxi fares or public transport costs

### **8.6. Consideration of medical needs and exceptional circumstances**

In exceptional circumstances, SEND pupils may be given special consideration for travel assistance 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 travel assistance because of said medical needs and/or condition.

In addition, travel assistance may be provided where the parent or 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.

Where such parental disability is evidenced, and it is appropriate to do so, the Council may provide a suitably trained and vetted travel companion to accompany the child on their journey to and from school.

Solo pupil transport (e.g. private taxi) will only be considered in exceptional circumstances and only where there is clear evidence to support the need. Any solo pupil transport granted will be for a limited period of time and there is an expectation for the child to return to shared transport at the end of the specified period.

All such arrangements will be subject to an annual review process to ensure, in consultation with parents and carers, that arrangements take account of the personal development of individual children and young people, opportunities to promote independence and any changing individual or family circumstances e.g. medical needs.

The expectation is that as the child grows older and matures they are supported to use public transport wherever possible.

### **8.7. Administering medication and performing medical procedures**

There is no expectation that a child's routine medication will be administered on the journey to and from school, or that routine medical procedures will be carried out. It may sometimes be necessary to administer a child's emergency medication. Emergency medication should be administered in accordance with instructions from a health care professional. The driver or passenger assistant responsible for administering the medication should receive training from a health care professional.

Training the crew to administer the child's medication may not always be the most proportionate solution e.g. in some cases making the crew aware of symptoms to watch out for and when to call 999 may be a proportionate response.

## **8.8. Provision of passenger assistants**

Passenger assistants are only deployed at the council's discretion in circumstances such as, but not limited to:

- Where a number of children are travelling together and require supervision
- Where a child has a severe medical condition or behavioural need, that requires support during transportation

Any request for an individual passenger assistant must be supported by detailed evidence that demonstrates the risk to the child and/or others. The evidence provided must include a risk assessment, compiled by the transport operator with the school or education setting and/or medical professionals, and, in the case of behavioural needs, detail any other strategies that might reasonably be employed to support the young person.

Where a passenger assistant is provided, this requirement will be reviewed every 6 months. The need for a passenger assistant may change as the child grows older. A passenger assistant's duty is to supervise children on the vehicle. They will assist children to board and to leave the vehicle, but they cannot collect children from their home and take them into a school if that would mean leaving other children unattended in the vehicle.

It is the parent and carer's responsibility to supervise the child 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 child's entry to the vehicle and parents and carers must supervise the child from the vehicle into the home.

Guidelines are issued for operators, drivers, and passenger assistants. All drivers and passenger assistants will be required to undergo appropriate training, commensurate to the needs of the children and young people they are supporting and will carry an identity card which will be renewed every three years following an updated Disclosure and Barring Service (DBS) check.

## **9. Operational issues, health and safety, and safeguarding**

Where travel arrangements are made in the form of a seat on a minibus, taxi, etc., parent and carers are given information relating to health and safety, behaviour, and operational issues as part of the offer.

### **9.1. Transport changes due to adverse weather**

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

The council reserve the right to cancel assistance due to adverse weather conditions. If assistance is cancelled the Council will, where possible, give parents and carers an indication of when it is likely to resume.

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.

## **9.2. Time Keeping**

Parents and carers are legally required to ensure their child attends school. This means they must take all the action necessary to enable their child to attend school. This includes making sure their child is available at the required time to access the transport.

In order to enable drivers to keep scheduling and to pick up and return pupils home at the times agreed, parent or carers are expected to have their child ready at appointed or scheduled times and be there to collect them at the return location when they are expected. A driver will wait for no more than three minutes beyond the scheduled pick-up time at a pick-up point in the morning. Parents or carers can appoint an appropriate adult to collect their child. The child will not be left unescorted and will only be left with the designated adult.

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. If this happens more than twice, the council reserves the right to withdraw the travel arrangements.

If the parent or carer is still not there to meet the child, and where there is no suitable alternative, this will be referred to Medway Council's Children's Safeguarding Team.

## **9.3. Safeguarding**

The safety of children who are eligible for travel assistance is Medway Council's first priority. We ensure by our procurement processes that the required safeguarding and suitability checks on the drivers of vehicles providing dedicated home to school transport, and any passenger assistants involved in providing home to school transport, have been undertaken in line with statutory guidance.

In particular, Medway Council will ensure that:

- All drivers and passenger assistants have been checked and cleared by the Disclosure and Barring Service (DBS) and carry identity cards
- Seat belts are provided and used on all contracted vehicles
- Car seats/booster seats are provided in accordance with current Government legislation
- Passenger assistants receive appropriate training and are familiar with safety and emergency equipment

## **9.4. Student Behaviour**

All children who are granted travel assistance are expected to adhere to the behaviour terms and conditions of both Medway Council and the relevant transport operator. By signing the application form both the parent or carer and the child are agreeing to abide by such conditions of travel.

Medway Council takes challenging behaviour in transport seriously. We will work with schools, parent or carers, and transport operators to minimise potential issues. However, when the behaviour affects the safety of or causes injury, to anyone within the vehicle surrounding area, including staff, the offer may be withdrawn, and alternative arrangements considered.

As per DfE Guidance, unacceptable behaviour may include, but is not limited to:

- being rude
- pushing and kicking
- bullying
- distracting the driver

- refusing to wear a seatbelt
- refusing to remain seated

When unacceptable behaviour is reported to the council, it will seek to understand and take appropriate action may including but not limited to:

- Referral to relevant services
- Communication with Parents and Carers
- Communication with school
- Removal of the current assistance offer

The council's decision of suitable action is final.

The council will also take unacceptable behaviour of parent and carers that impinges the travel assistance of their child or others seriously and may take the decision to temporarily suspend travel arrangements until an investigation has been completed.

Should a child's travel arrangements be permanently withdrawn, the council will meet its duty in respect of the eligible child in an alternative way.

## **9.5. Managing behaviour that is part of a child's special educational needs or disability**

A child's challenging behaviour may be part of their special educational needs or disability, and they may use it as a way to communicate their needs, for example a child who exhibits challenging behaviour may be trying to communicate discomfort or distress. Medway Council will work with travel operators, schools and parents and carers to find positive ways to manage this behaviour wherever possible.

We would expect the transport staff that will be working with the child to be able to participate in any training required to meet the specific needs of the children travelling – for example, managing their behaviour.

# **10. Children Looked After**

## **10.1. Children who are Looked After by Medway Council**

It is the responsibility of the foster carer or residential care provider to ensure that Looked After Children placed with them attend school.

Looked After Children may be eligible for travel assistance if they qualify under the eligibility criteria. If an arrangement has been made for the child to be taken to and from school and the cost of this has been agreed and is expressly included in the placement fee no other travel arrangement will be provided because suitable arrangements already exist.

## **10.2. Children looked after by other local authorities, placed within Medway**

Section 508B of the Education Act 1996 requires local authorities to make travel arrangements for 'an eligible child in the authority's area'. This means that, in all circumstances, the local authority in whose area an eligible child lives is responsible for their home to school travel – including the cost of the travel.

## **11. Changes of address and residential**

### **11.1. Child moving into Medway**

If a child moves into the area, parent or carers should apply for travel assistance as soon as they have been accepted by a Medway school. They should bear in mind the information about choice of school given earlier in this policy.

When you move into Medway from another area where your child was receiving travel assistance, you will have to complete a new application to be assessed for travel in assistance in Medway. The fact this provision was allocated to you in the area you were previously residing in, does not mean that it will automatically be provided in Medway. Your application will be subject to assessment.

### **11.2. Internal moves – child moving within Medway**

Parents and carers whose child were previously benefiting from travel assistance should inform us of the change in circumstances and the eligibility will be reassessed.

In all cases, parents and carers should bear in mind advice given in this policy on choice of school and the requirement to attend the nearest suitable school with a place available.

### **11.3. Child moving out of Medway**

In accordance with DfE guidance, if your child is placed in another area, irrespective of the reason, Medway Council will not be responsible for travel assistance even if you were previously eligible when you resided in Medway. The parent or carer would need to apply to the local authority they now reside in. This also applies where Medway is the corporate parent of a child.

### **11.4. 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. 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 assistance will not be provided for any other visits to the school, or if the parent or carer chooses to take their child home for any reason.

## **12. Discretionary travel arrangements**

Medway has discretion to grant travel assistance even where it falls outside of the normal policy or statutory duties, however, this will only be considered in exceptional circumstances. The reasons for such decisions will be recorded and reviewed regularly, as required. Each case will be dealt with on an individual basis.

An award made as a Discretionary Award cannot be backdated. Applicants must provide all evidence requested by us. Where evidence is not provided as requested, within any given time limit, no decision can be made. The evidence should include any social, medical, financial or personal reasons.

Where a discretionary award is made, parents and carers may be asked to make a financial contribution to the cost of the travel arrangements.

Information about Discretionary Awards can be found on the council website.

## **12.1. Under 5s**

Medway has no statutory duty to provide travel assistance for children under five and will not do so in the majority of cases. There might be exceptional circumstances where travel assistance can be considered such as parental disability or children who are starting specific education provision before their fifth birthday and those are assessed on individual basis. In most circumstances, the parent/carers will need to apply after the child's fifth birthday.

## **12.2. Travel assistance for children who move at a critical stage**

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

The minimum statutory eligible walking distance 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 travel assistance.

## **12.3. Independent and/or schools outside of Medway**

In certain circumstances education travel 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.

# **13. Appeals procedure**

The SEND Transport Team will provide in writing the reasons for the refusal of an application at the point of assessment.

Appeals against a refusal of assistance or the suitability of the travel assistance provided are considered on an individual basis and does not set a standard practice for future cases. The written request should detail why the parent or carer believes the decision should be reviewed and give details of any personal and/or family circumstances the parent or carer believes should be considered when the decision is reviewed.

Appeals will be considered in a 2-part process:

- Stage one – provides an opportunity for a senior officer not involved in the initial decision-making process to review the decision
- Stage two – a full and final decision will be made by an independent appeal panel of senior council officers that were not part of any previous decisions made, and the parent or carer will be invited to a hearing to present their case, which will be held in person at a Medway Council venue or held virtually. Councillors will be able to represent constituents at the panel hearing, if required.

Where a parent or carer does not wish or is unable to attend a hearing, the panel will make its decision based on the parent or carer's written representations.

If a parent or carer feels we have failed to comply with the procedural rules or if there are any other irregularities in the way an appeal was handled, parent or carers have the right to refer the matter to the Local Government and Social Care Ombudsman, or to request a judicial review if they believe the decision to refuse travel is flawed on public law grounds.

The flowchart within this policy, 'appendix 2' provides further information on the process and timelines.

More information on appeals is at [Home to school travel and transport guidance](#)

### **13.1. Grounds for review/appeal**

The grounds on which a parent or carer can request a stage one review, or a stage two appeal are not limited and is for parents or carers to decide whether to challenge a decision about:

- the suitability of travel assistance offered;
- their child's eligibility;
- the distance measurement in relation to statutory walking distances; and
- the safety of the route

Any exceptional circumstances that the family may have can be considered as grounds for review/appeal.

## **14. Complaints**

Complaints about the service provided by us relating to Home to School Travel Arrangements can be made by using our complaints procedure. This is available at [Complaints](#)

### **14.1. 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 first be directed to the actual service provider. If there are persistent issues that cannot be resolved with the service provider please contact the SEND Transport Team at [sentransport@medway.gov.uk](mailto:sentransport@medway.gov.uk)

## **15. Appendix 1: glossary**

### **Legislation and guidance**

Words used in this policy are taken from the Education Act 1996 which defines them as follows.

Section 444(5) of the Act defines the statutory walking distances.

Schedule 35B of the Act defines:

- 'Eligible children'– paragraphs 2-7 and 9-13
- 'Qualifying school'– paragraph 15
- 'Disabled child'– paragraph 15(4)
- 'Religion and belief'– paragraph 15(6) and 509AD of the Act
- 'Low-income family'– paragraphs 9-14

## Education Travel Assistance Policy - SEND

Section 579 of the Act defines 'child'.

Section 509AC of the Act defines 'compulsory school age'.

Section 7 of the Act states 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.

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.

The Equality Act 2010 defines 'religion or belief' for the purposes of this Act.

The Children's and Families Act 2014 section 10 defines 'SEN'.

This policy has been written having regard to the Department of Education's 'Travel to school for children of compulsory school age' statutory guidance published in January 2024 [Statutory guidance](#).

Education Act 1996 – [Education Act 1996](#)

Department for Education SEND Code of practice 0-25 years statutory guidance – [SEND code of practice: 0 to 25 years - GOV.UK \(www.gov.uk\)](#)

Department for Education Post-16 transport and travel support to education and training – [Post-16 transport and travel support to education and training \(publishing.service.gov.uk\)](#)

Medway Council Local offer page – [Local Offer](#)

## Explanation of terms used in this policy

**Compulsory school age** – Set out in section 8 of the [Education Act 1996](#) and [The Education \(Start of Compulsory School Age\) Order 1998](#). A child reaches compulsory school age on the prescribed day following their fifth birthday, or on their fifth birthday if it falls on a prescribed day. The prescribed days are 31 December, 31 March and 31 August. A child ceases to be of compulsory school age on the last Friday in June in the academic year in which they reach age 16.

**Disability** – Defined in section 6 of the [Equality Act 2010](#). A person has a disability if they have (a) a physical or mental impairment, and (b) that impairment has a substantial and long-term effect on their ability to carry out normal day-to-day activities. A chronic physical or mental health condition may constitute a disability. Not all disabilities are visible.

**Medical need** – A health need that has the potential to put a child's safety or wellbeing at risk while travelling to and from school.

**Mobility problem** – A physical impairment that impacts a child's ability to walk to school.

**Parent or carer** – References to parent or carer in this document include birth parent or carers, adoptive parent or carers, foster parent or carers, carers or legal guardians with parent or carer responsibility.

**Religion** – Section 509AD (3) of the [Education Act 1996](#) defines religion as any religion. A reference to religion includes a reference to lack of religion.

**Safeguarding** – Defined in [Keeping Children Safe in Education](#) as:

- protecting children from maltreatment
- preventing the impairment of their mental and physical health and development
- ensuring they grow up in circumstances consistent with the provision of safe and effective care
- taking action to enable all children to have the best outcomes.

**School day** – Schools are responsible for deciding when their school day will start and end. The expectation is that local authorities will arrange travel for eligible children to enable them to attend for the 'normal' school day.

Schools should organise the school day and school week in the best interest of their pupil cohort. They are expected to act reasonably when making changes to their school day or week. It is unacceptable for them to shorten their day or week unless it is a direct action to enhance pupils' education.

**Walk** – In this guidance walk has its literal meaning. A child could not be considered to be able to walk to school if they would need to travel in a wheelchair, but a local authority may decide, for example, that suitable travel arrangements for a child would be an assistant to push them in a wheelchair.

**Bikeability** – Department for Transport's flagship national cycle training programme aimed at children, young people and families in England. [Cycle Training for Everyone – Deliver Safer Training | Bikeability](#)

**QRoutes** – Cloud-based route planning tool for home to school transport, including Special Educational Needs and Disabilities (SEND). More information is available at [QRoutes](#)

## 16. Appendix 2: the appeals process

The following sets out the full review and appeals process:

1. **Officer A** declines a parent's school travel application or offers travel arrangements that a parent considers unsuitable.
2. Within **20 working days** of receiving Officer A's decision, the parent submits their written appeal.
3. **Stage one: review by a senior officer (Officer B)** – Within **20 working days** of receiving the parent's request, Officer B (a senior officer) reviews Officer A's decision and notifies the parent in writing of the outcome. Officer B has not been party to officer A's decision.
4. Within **20 working days** of receiving Officer B's decision, the parent submits written notification that they wish to escalate the matter to stage 2.
5. **Stage two: review by an independent appeal panel** – Within **40 days** of receiving the parent's notification, an independent appeal panel considers written/oral representations from the parent, Officer A and Officer B, and reaches a decision.
6. Within **5 working days** of reaching their decision, the independent appeal panel notifies the parent in writing.

7. A parent may make a complaint to the Local Government and Social Care Ombudsman (LGSCO) if they feel the local authority has made a mistake in the way it has handled their case; or may request a judicial review if they believe the decision to refuse travel is flawed on public law grounds.