

CABINET

17 APRIL 2012

SPECIAL EDUCATIONAL NEEDS TRANSPORT POLICY

Portfolio Holder: Councillor Les Wicks, Children's Services

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Summary

This report presents a new proposed Special Educational Needs (SEN) Transport Policy to Members and highlights the changes between the existing policy and the proposed policy.

1. Budget and Policy Framework

1.1 The proposed new SEN Transport Policy will be consistent with the provisions of the Children and Young People Plan and therefore this is a matter for Cabinet.

2. Background

2.1 The Council has various statutory duties and powers regarding the making of suitable home to school travel arrangements, which are set out in paragraph 6. In order to meet those duties and set out how it will exercise its powers, the Council has a transport policy for pupils with Special Educational Needs (SEN transport policy).

2.2 The current SEN transport policy (Appendix 1) was written in 2003 and is out of date. Nationally, practice has changed and this re-drafted policy has been written to ensure that Medway's practice is in line with legislative requirements

2.3 In 2006, work was undertaken to change the policy. However at that time it was felt by Members that the old policy was sufficient and there was no merit in proceeding any further.

2.4 Given the current financial climate any policy changes need to be seen as part of a suite of measures being taken in relation to SEN generally and specifically the SEN Transport budget.

2.5 The current and proposed policies are attached but to aid Members in their analysis the main issues with the current policy are set out below, as are the benefits of the proposed new version.

2.6 It is important to note that while this proposed policy has been prepared with reference to practice in other local authorities there is ongoing research to identify best practice nationally. For example one local authority gives an allowance related to mileage as its default position rather than arrange transport. The proposed policy has been written in a way that enables changes in approach to be possible without the need to re-draft a new policy again.

2.7 **Current policy – particular issues**

- Once the need for transport support has been agreed, it is assumed to be home to school taxi provision and there is little flexibility built in for alternative mechanisms – such as personal budgets or bus passes which can support increasing independence.
- The policy reads as a ‘presumption’ to entitlement
- Certain groups of children are given automatic entitlement to transport irrespective of where they live or their ages. For example children attending Bradfields. This works against promoting independence.
- The hospital school room is named and children are receiving support from the SEN transport budget when they do not have a statement of special educational need.
- As this policy is outdated it refers to things that are no longer true and case law has updated practice – eg it says that escorts will be written into statements (and therefore raises parental expectations)
- Where transport allowances are paid to parents, the policy allows for 4 journeys a day
- The policy refers to children being taken to social care and then police if the parent is not home after 5pm – different arrangements are now in place that better safeguard children.

2.8 **The new proposed policy (Appendix 2)**

There are fundamental widespread changes happening in SEN (for example the SE7 regional SEND Pathfinder project). The proposed policy is aligned with these. Specifically a key difference is a proposal to move to pick up points rather than door to door and a presumption towards shared transport. These changes, going forward, are important especially in light of the new children moving to Medway each month who are eligible for SEN transport provision/ support i.e. any new

children eligible will have on going cumulative transport costs year after year.

2.9 The main differences in the new policy are set out below:

- The title of the policy is significant – ‘ Policy on transport arrangements for children with SEN’ (rather than ‘home to school transport’)
- Transport for “social, economic or domestic reasons” will not be granted. There is no provision for this within the current policy, which has led to the agreement of transport where it could otherwise could have been refused. Where the Council has specific duties to a parent (for example a parent with a disability) those duties would still exist. The thrust of this policy is about the transport arrangements necessary that arise for the child’s special educational needs.
- Shared transport is included. This is not detailed in the current policy and it is important to be explicit about this as larger vehicles reduce the unit cost – but parents prefer single arrangements.
- There is a proposal for pick up and drop off points rather than door to door transport. A large number of pupils currently transported could access such arrangements. It is advised by Transport Procurement Unit that if pick up and drop off points are used, savings could be made through using larger vehicles to transport pupils and through more direct routes.
- The proposed policy proposes that transport will be arranged from one home address provided by parents only. The current policy does not allow for this arrangement and there have been increased costs where parents request that their child is taken to different addresses on a regular or ad-hoc basis eg for child care changes.
- The proposed policy makes provision for 52 week residential placements where home to school transport will only be provided at the beginning and end of the placement. Under the current policy, where a child is in 52 week residential provision and a parent wishes their child to return home for a weekend, we currently provide the transport.
- The proposed policy makes provision for 38 week residential places where a child will only be transported at the beginning and end of the week. The proposed policy states that transport will not be provided in other circumstances. The current policy does not specify this arrangement and has led to increased costs to transport a child in a 38 week residential placement where they have to attend an appointment etc mid week.
- Review of transport provision on an annual basis or if a family moves address is set out in the proposed policy. This is not currently detailed and there is a current expectation from parents that transport once in place for a child will remain.

- The proposed policy specifies that there will be no *automatic* transport entitlement. All parents will have to apply for transport to ascertain transport entitlement.
- We are currently having to provide transport for pupils with Statements placed in specialist units at Academy provision to attend “electives” (after school additional teaching). This is adding to the cost of transport provision as attendance at electives is not dealt with in the current policy. The proposed policy specifies that transport will not cover electives.
- Arrangements relating to the change of the school day are specified in the proposed policy. These are not currently specified: where Academies have changed their school days, additional cost for transport has been incurred. In the proposed policy where maintained schools or Academies propose to change the school day we are asking that they undertake to consult with the LA to give sufficient time to make changes to the transport arrangements. Changes with insufficient ‘lead in’ give rise to expensive spot purchasing of transport.
- Transport allowance entitlement errors and arrangements for recovery are covered in the proposed policy.
- The proposed policy is compliant with all current relevant legislation and in addition to the duties of the Local Authority, sets out the duties of parents. This is not currently detailed in the existing policy.
- The proposed policy will be compliant with existing transport appeals for the non-SEN cases.

3. Options

- 3.1 Option 1 – Members consider and agree consultation on the proposed new policy arrangements.
- 3.2 Option 2 – Members reject the new policy changes, other than those that would ensure it became compliant with current legislation, in which case there would not be a need for a full consultation.

4. Advice and analysis

- 4.1 Practice in Medway is no longer aligned with what other local authorities are offering in their transport arrangements. The SEN Manager has been working closely with counterparts in the SE7 regional SEND Pathfinder project and these changes are informed by best practice across the region.
- 4.2 The SEN transport budget has been a cause for concern, attributable mainly to the number of pupils eligible and the cost per day. By changing the policy, it becomes possible to introduce new ways of delivering transport that will enable the cost per head to be reduced. A Gateway 1 report from the transport procurement unit has been taken to Cabinet that aims to enable a reduction in higher cost, single

transportation as well as providing continuity of service for pupils accessing transport on routes where the contract has ended.

- 4.3 For some parents, the proposed changes that they will experience as a result of the changes to the policy will cause them to be dissatisfied. For that reason it is important that consultation is carried out and that any changes are implemented carefully rather than all at once and at the start of the academic year rather than part way through.
- 4.4 If Members choose not to agree to the new policy changes the savings on the SEN transport budget will be limited and with the new children with high levels of SEN moving into the area (for example there were 63 this financial year) the costs will continue to rise. For this reason, the officer recommendation is to support Option1.

5. Consultation

- 5.1 The new policy will be subject to full consultation and will be reported back to Cabinet including a detailed risk analysis. A diversity impact assessment will need to be carried out and this will be developed during the consultation process and reported back to Cabinet at the stage a final decision is to be made.
- 5.2 Statutory guidance states that proposals to change home to school transport policies should be consulted on for at least 28 working days during term time. In this case it is proposed that consultation will be for 30 working days and will involve:
- Discussion with the parent and carers forum
 - Discussion with local parent advocacy groups
 - Feedback from special schools via questionnaire and meeting
 - Direct consultation with a sample of current parents via questionnaire and focus groups
 - Consultation with the transport providers
 - Discussions with partner stakeholders such as paediatricians.
- 5.3 Following consultation, it is proposed to report the outcome of consultation to the Children and Young People Overview and Scrutiny Committee on 17 July 2012 prior to final consideration and decision at Cabinet on 7 August 2012.

6 Financial, legal and risk management implications

- 6.1 The proposed policy is compliant with the statutory obligations of the council. This policy change, together with other action being taken within the division, is expected to deliver a net £300,000 saving in 2012-13 compared with the £4.2million forecast outturn for 2011-12, notwithstanding anticipated demographic pressures.

- 6.2 The Council has a duty under section 508B of the Education Act 1996 to make such travel arrangements as they consider necessary in order to secure that suitable home to school travel arrangements are made in respect of any child falling within the definition of an “eligible child”. The Council also has a power under s508C to make such arrangements in respect of any child not falling within the definition of an “eligible child”. The term “eligible child” is defined in Schedule 35B of the Education Act 1996 and includes a child with special educational needs who, having regard to his or her special educational needs, cannot reasonably be expected to walk to school (where the school is within walking distance) or is a registered pupil at a school not within walking distance of his or her home. The duty under s508B relates to a child of compulsory school age (broadly from 5 to 16).
- 6.3 The Council also has a duty under ss509AA and 509AB of the Education Act 1996 to publish a statement specifying the arrangements which it considers necessary to make for facilitating the attendance of persons of sixth form age at school, including facilitating the attendance of pupils with disabilities or learning difficulties. Persons of sixth form age are those over compulsory school age and either under 19 or over 19 but who have started a particular course of education when under 19 and are continuing to attend such course.
- 6.5 Arrangements made under s508B and 508C may be (i) the provision of transport or (ii) with the consent of the parent, arrangements for an escort for the child, the payment of the whole or part of the reasonable travelling expenses or the payment of allowances for the use of particular modes of travel
- 6.6 Where any consultation is undertaken it must be undertaken at a time when proposals are still at a formative stage; it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken.
- 6.7 When considering making changes to service provision, the decision maker needs to comply with its obligations as to equalities under the Equality Act 2010. In essence this requires decision makers to have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 6.8 Protected characteristics, as defined in the 2010 Act, are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 6.9 Having due regard to the above needs involves
- removing or minimising disadvantages suffered by people due to their protected characteristics.
 - taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
 - encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- 6.10 In order to comply with its equality duties, the Council is required to engage with service users and other stakeholders and to use the information and views gathered as a result of such engagement (together with other equality information the local authority has) in assessing the equality impact of the proposals.
- 6.11 Following the consultation process, and informed by the diversity impact assessment a full analysis of the risks will be possible. Currently, the policy requires modification to ensure that it is compliant with legislation. There is a need to ensure that the policy Medway works towards reflects national policy changes such as the personalisation agenda and the statutory changes that will develop following the special educational needs and disability pathfinder work underway across the country. The quality of the consultation process and the communication with parents of any changes that are made, will play a vital role in mitigating any risks that arise from parental dissatisfaction.
- 6.12 A detailed risk analysis will be reported back to Cabinet. Together with issues identified in the consultation process this will include:

Risk Description	Action to avoid or mitigate risk
Parental Dissatisfaction	Effective engagement, consultation and a comprehensive Diversity Impact Assessment
Non compliance with current legislation	Adoption of a revised plan
Failure to support young people's entitlement to increasing independence wherever possible	Personalised support towards independence, assisted by a policy framework that enables appropriate independence.

7. Recommendation

- 7.1 That Cabinet agrees to consult on the proposed Special Educational Needs Transport Policy, as set out in Appendix 2 to the report.

8. Suggested reasons for decision

- 8.1 The current policy is outdated and requires revision to ensure that it is compliant with legislation. The practice in Medway is currently out of step with other local authorities and the changes proposed would enable better value for money as well as well as support independence.

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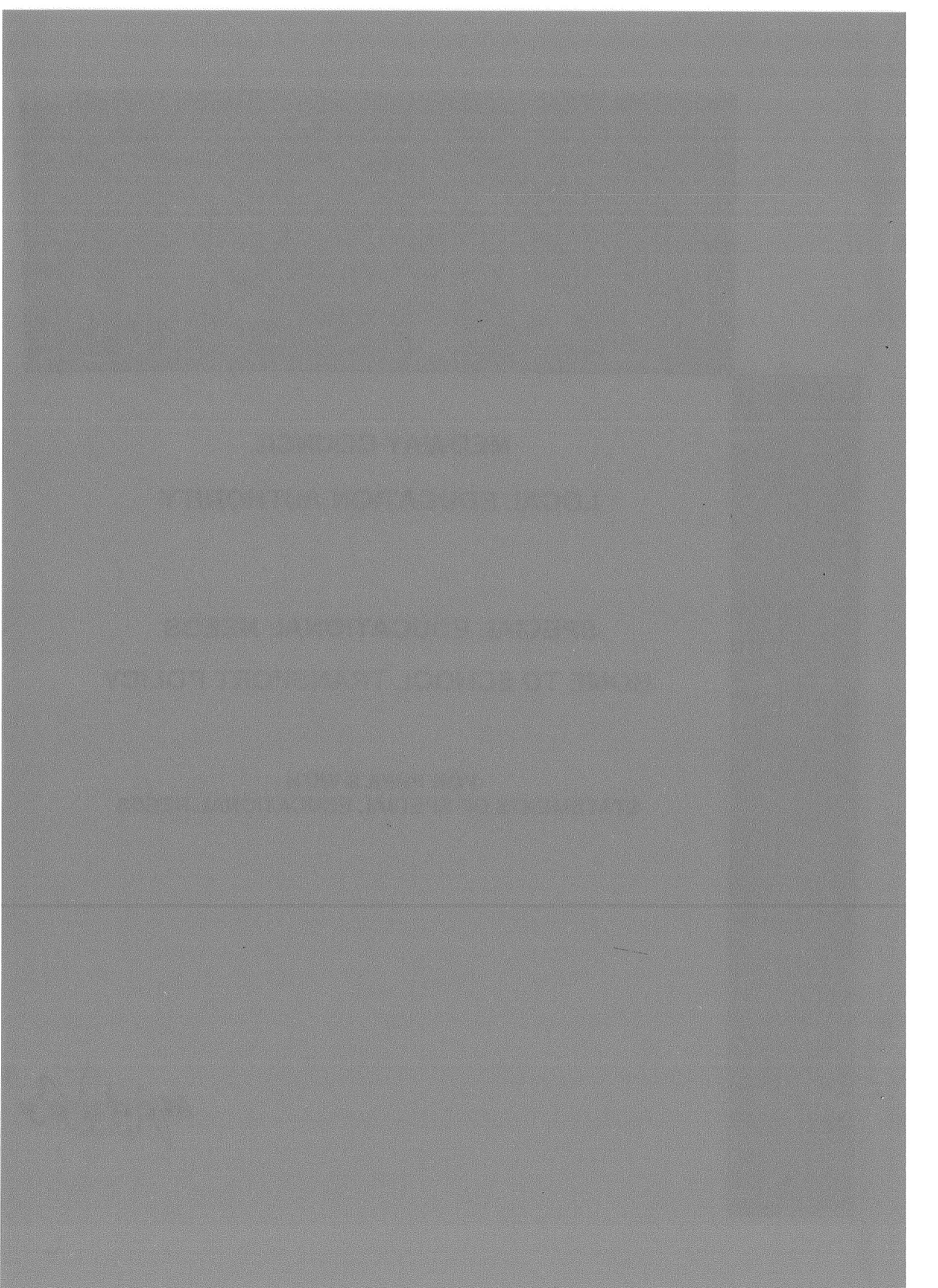
Background papers

Education Act 1996 sections 508A to I and sections 509AA to A of the
Education Act 1996. 2007 Guidance "Home to School Travel and Transport
Guidance", Secretary of State Section 508D
School Information (England) Regulations 2008
SEND Green Paper – Raising aspirations 2011

**MEDWAY COUNCIL
LOCAL EDUCATION AUTHORITY**

**SPECIAL EDUCATIONAL NEEDS
HOME TO SCHOOL TRANSPORT POLICY**

**FOR PUPILS WITH
STATEMENTS OF SPECIAL EDUCATIONAL NEEDS**



SPECIAL NEEDS HOME TO SCHOOL TRANSPORT POLICY

CRITERIA FOR SEN TRANSPORT

1. Free Home to school transport will be provided for pupils with statements of Special Educational Needs, to the nearest appropriate school and up to statutory school-leaving age if one or more of the following criteria are met and where the request is from the Decision Making Group (DMG):
 - i. The distance from home to the nearest appropriate school is over the statutory distance, i.e. If the child is under 8 years old – over 2 miles; if the child is aged 8 and over-over 3 miles.
 - ii. The pupil is physically disabled and their mobility is dependent upon the use of a wheelchair, irrespective of distance.
 - iii. The pupil has a physical disability that prevents them from using public transport, e.g. pupils with splints and callipers, irrespective of distance
 - iv. The pupil is registered blind, irrespective of distance.
 - v. The pupil is registered deaf and attends a special school or unit for deaf children.
 - vi. The pupil's emotional and behavioural difficulties will create a Health and Safety hazard to the pupil or others. The requests for transport should come from the appropriate person in the Behaviour Support Service who will advise as to why school transport is necessary.
 - vii. A pupil who has to transport medical equipment, eg oxygen tanks, whether attending a special school or a mainstream school.

For Abbey Court Special School

- viii. Any pupil who is statutory school age and attends Abbey Cou'rt Special School, irrespective of distance.

For Bradfields Special School

- ix. The pupil is of statutory school age, attends Bradfields Special School and is Audit Level 5 or above (as determined by the Headteacher), irrespective of distance. For those pupils below Audit Level 5 – the distance criteria applies. Pupils who are Audit Level 5 can have a bus pass in years 10 and 11 if the Headteacher requests it to support the pupil's independent living skills. This will require notice of at least half a term (by the end of June for September) to facilitate the reconfiguration of transport. Bus passes for Years 10 and 11 will be issued on a whole-term basis and it will not be possible to return to hired transport within that term.

For Danecourt Special School

- x. The pupil is of statutory school age, attends Danecourt Special School and is Audit Level 5 or above (as determined by the Headteacher), irrespective of distance.
- xi. For those pupils below Audit Level 5, the distance criteria apply.

For Marlborough Unit or The Hoo St Werburgh Centre

- xii. The pupil is on the autistic continuum and attends either the Marlborough Unit or the Hoo St. Werburgh Centre and is Audit Level 5 or above (as determined by the Headteacher-in-Charge), irrespective of distance.
- xiii. For those pupils below Level 5, the distance criteria apply.

For Schoolroom Medway Hospital and Hospital School Forge Lane

- xiv. The pupil has medical needs and receives tuition at the schoolroom, Medway Hospital, the Hospital School at the Forge Lane site or at another approved site. Transport will be agreed according to the distance criteria unless the pupil has a letter from his/her medical practitioner saying that he/she is unable to walk the distance owing to his/her physical medical condition.
- xv. Transport will also be agreed for those pupils who meet the criteria as set out in numbers ii, iii and iv above.
- xvi. Special Educational Services will fund transport for pupils with a statement of special educational needs. For those pupils who do not have a statement of special educational needs, transport will be funded from the mainstream school transport budget.

2 Transport Arrangements

2.1 Transport will be arranged by the most economical means available consistent with the safety and needs of the child. This means that pupils will normally travel together on larger vehicles and the assumption will be made that no special equipment will be necessary and that no special equipment will be carried. It is acknowledged, however, that some pupils with a physical disability and / or a medical condition will sometimes have to transport equipment with them to allow mobility both at home and at school.

2.2 Transport will be provided normally with a maximum of ten working days once a placement has been agreed and the Transport Team receives notification.

- The LEA does not provide transport for after school clubs.
- The LEA provides transport for those pupils attending work experience if they rely on a wheelchair for mobility or if they are blind. All other pupils must make their own way to and from their work experience placement as part of their work experience.
- Re-scheduling of vehicles will take place as appropriate in the light of changing needs.

3 Early Years

- 3.1 Transport will be provided for children who have Statements of Special Educational Needs as for older pupils. A parent's preference to provide his or her own transport will be considered.
- 3.2 Children without Statements who are offered places in nurseries and playgroups because of special educational needs recognised at the Pre-School Review will be eligible for free transport if they are attending the nearest appropriate provision and the provision is more than two miles from the home.
- 3.3 In many cases early years pupils who attend educational provision either attend provision, which is jointly funded with other agencies, or are themselves referred to educational provision by health agencies or Social Services. In all such cases the appropriate other agencies should be expected to share transport costs and this should be agreed at the Pre-School Review. Without such agreement it may not be possible to agree transport provision.

4 Pupils with Life Threatening Conditions

- 4.1 If a pupil suffers from a medically-diagnosed life-threatening condition which may require immediate medication or treatment, arrangements will be made for the parent to take the child to school him/herself, if this is at all possible (see travel allowances 6.2)
- 4.2 If it is not possible for the parent to travel with the child, arrangements will be made for the child to be accompanied by a suitable escort, if the length of the journey between school and home is greater than the period of time between the onset of an attack and the time when treatment/medication must be administered.
- 4.3 No escort may administer treatment/medication without the consent of the parent, which must be obtained in writing together with clear details of when and how the treatment/medication is to be administered.
- 4.4 Any escort who has not been trained specifically to administer that treatment/medication may not administer treatment/medication. Most escorts can be trained to administer rectal valium or adrenaline, but if the condition needs treatment for which training is more complicated, it will be necessary to ensure that the escort has appropriate medical qualifications, eg is a trained nurse.
- 4.5 On some occasions the escort who has been authorised by the parent and trained to administer treatment/medication may not be available. Ideally in such circumstances the contractor will have an alternative escort available, also trained and authorised. Where this is not possible the parent must be informed as soon as possible and allowed to make alternative arrangements or to keep the child at home until the regular escort is back. On no occasion may a child travel without an escort authorised and trained to administer the necessary treatment/medication.

5 Escorts

- 5.1 An escort will be provided if a child's Statement of Special Educational Needs stipulates that s/he must have an escort on home to school transport. This

requirement will be reviewed annually, since the need for an escort may change, as the child grows older. Normally, a Statement will only stipulate a need for an escort if the child has severe physical difficulties or a medical condition which may need to be addressed immediately, or severe behavioural difficulties which might present a hazard for the driver if there were no other adult present.

- 5.2 Escorts will normally be provided if there are more than five statemented pupils travelling in one vehicle, although in some circumstances, e.g. when pupils are older and do not have severe difficulties, an escort may not be necessary.
- 5.3 Escorts will normally be provided for children aged four and under.
- 5.4 Escorts will not normally be provided in other circumstances.
- 5.5 Escorts' duties are 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. It is the responsibility of the parents to take the child to the vehicle and collect again from the vehicle. At school, the escort should ensure that children are escorted into school or given to a member of staff in the playground, bearing in mind that other children on the vehicle must not be left unattended.
- 5.6 Escorts' duties also include the delivery of notes, medication or money between home and school.
- 5.7 Guidelines are issued for operators, drivers and escorts. Training will be secured by Medway Council, or representatives on behalf of Medway Council, for all escorts with the training costs being passed on to the provider. All escorts will be required to undergo training and will carry an identity card, which will be renewed every 3 years in accordance with CRB checks.
- 5.8 If a pupil has a life-threatening condition, the parent will be encouraged to escort the child him/herself. Otherwise special arrangements will be made (See Section 4).

6 Travel Allowances

- 6.1 When appropriate the Authority will discharge its duty to provide free transport by paying parents a travel allowance to take their children to school.
- 6.2 In cases where a pupil has a life-threatening condition, which may require immediate administration of treatment or medication, parents will be encouraged to take the child to school themselves and will be offered a travel allowance.
- 6.3 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 encouraged to take the child to school themselves and will be offered a travel allowance.
- 6.4 In other cases parents sometimes express a preference for taking their child to school themselves and request reimbursement. A travel allowance will not normally be offered when there is a place available on existing contract transport.

6.5 A travel allowance is normally payable at an agreed rate. When the parent is taking the child to school en route to work the allowance is payable for only a single journey in each direction each day. In cases where it is clear that the parent is returning home immediately after taking the child to school and is travelling from home to collect the child at the end of the day, then a double journey will be paid for.

6.6 In some circumstances, it may be appropriate to agree a slightly higher amount. In such cases a daily sum will be agreed.

7 Journey Times

7.1 For day pupils, no single journey should ideally be more than one hour long, but discretion will be used, depending on the child's special needs and the availability of an appropriate school near the child's home.

8 Time-Keeping

8.1 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 pupils ready at appropriate times and be there to collect them when they are expected home.

8.2 In exceptional circumstances a driver will wait for no more than five minutes beyond the scheduled pick-up time at a pick-up point in the morning.

8.3 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. The child will not be left unescorted and will not be left with anyone other than the parent without the parent's written authorisation.

8.4 If there is no alternative, the child will be taken to the local Social Services Department Office up to 5.00pm. After 5.00pm the child will be taken to the local police station and the police will be asked to contact the Out-of-Hours Duty Social Work Team.

9 Transportation of Equipment

9.1 Day pupils are expected to travel with no more than one item of hand luggage and pupils attending residential schools are expected to travel with no more than one suitcase (or equivalent). Some pupils will have extra items (e.g. to meet their medical or physical needs) and these will be transported but prior arrangement is essential.

10 Social Skills Training

10.1 Please also see paragraph 1. vi.
If a school wishes some of its older pupils to travel on public service routes as part of social skills training, the Transport Team will need a notice period of at least half a term to arrange the provision of travel passes. Notice must be given by the end of June for travel passes required for September.

10.2 Bus passes will be issued on a whole-term basis and it will not be possible to return to hired transport within that term.

11 Dealing with Difficult Behaviour

- 11.1 Drivers and escorts will normally notify the Headteacher or nominated person at the school of any problems with a child's behaviour as soon as the problems occur. The Headteacher will ensure that the Transport Team at the Education office is kept informed.
- 11.2 Parents will be informed of any problems and will be asked to assist in preventing their recurrence.
- 11.3 If a child is behaving in such a way as to endanger him/herself or other pupils on the vehicle, then it may be necessary to withdraw transport either temporarily or permanently.
- 11.4 All journeys between home and school will be completed. Even if a child's behaviour is totally unacceptable, she/he will not be put off the school transport anywhere other than home or school.

12 Appeals

- 12.1 Anyone to whom transport assistance has been refused may appeal against that refusal to the School Transport and Curriculum Appeal Panel, which will consider each case on its individual merits.

13 Post-16

13.1 Travel assistance from Medway Council

The LEA will provide travel assistance for eligible students as follows:

Eligibility

To qualify for a travel pass from the LEA students must

- Attend the nearest appropriate school or college offering their chosen qualification
- Live more than three miles from the school or college. We calculate the distance via the shortest available walking route, including all available public footpaths or rights of way.
- Be of 6th form age undertaking their first full time course and under the age of 19 when they start their first full time course.

If a student is studying their first full time course at the nearest school/college, lives more than 3 miles from the school/college and is under 19 when the course starts, the LEA will provide travel assistance until the end of the first course.

The LEA will request a parental contribution (Post Statutory Charge, PSC) towards the cost of the travel pass. The PSC can be paid in one payment before the start of the academic year or in three payments before the start of each term.

For the academic year 2003/2004 the current cost is £322 payable at the start of the academic year or at the start of each term as follows £125 Autumn Term, £125 Spring Term and £72 Summer Term. These costs are subject to future change.

All eligible students are required to pay the P-sc unless they or their parents/carers receive Income Support or Job Seekers Allowance (income based). To waive the PSC, the parent will need to supply the LEA with recent evidence that they receive the appropriate benefit before the start of each term.

The LEA will consider requests for specialised transport from students with disabilities and/or learning difficulties on an individual basis. In considering requests, the LEA will take into account whether specialised transport was provided or if the transport need was supported by a statement of special educational needs when the student was of compulsory school age.

The LEA will take into account the wishes of parents, needs of the student as well as the requirement for value for money before deciding the most appropriate mode of transport for a student.

If the LEA has agreed to provide specialised transport to meet the travel needs of a student with a disability and/or learning difficulty, the LEA will only change the type of transport if it is to aid the students independence and social skills training. The Headteacher of the school or appropriate Head of Service at the college must support all requests of this nature in writing. In these circumstances, the LEA will require at least half a terms notice to change the type of transport. All passes issued for use on public transport will be done so on a Termly basis and the student will not be able to revert back to specialised transport within that term.

14 Communication

- 14.1 A leaflet explaining the Authority's home to school transport policy will be provided for all parents of pupils with statements of special educational needs.
- 14.2 Guidance leaflets will be available for all drivers and escorts of special needs pupils.

Medway Council

Policy on transport arrangements for children with SEN

Foreword

Within Medway we want our young people to grow up to be as independent and autonomous as possible. As part of growing up and acquiring life skills it is important that they have opportunities to travel and socialise with their peer group. We want to encourage that confidence and independence wherever possible. We recognise that some young people with Special Educational Needs, who travel to school every day by taxi throughout their school years, may not be as well equipped for adulthood as those who have been able to learn to be confident using public transport.

Nationally, as the policy direction changes towards personalisation, there is a greater and greater expectation that the use of personal budgets will become common - place. As this policy is implemented, we fully expect that over the years, the balance will shift towards more and more families organising their own transport arrangement in a way that meets their individual needs far better than they can ever be when organised on a large scale through the local authority.

1. Legal Framework

- 1.1 Under Section 444 of the Education Act 1996, it is the responsibility of parents and carers to ensure that children attend school and this includes the necessary travel arrangements. However, the provision of 'Home to School Transport' or more accurately the arrangements for supporting transport is covered in law by Section 509 (1 – 6) of the Education Act (1996) and sections 508A, 508B, 508C, 509AD and schedule 35B of the Act (inserted by Part 6 of the Education and Inspections Act 2006). The provision of transport support additionally includes the amended section 77 of the Education Act 1996 to incorporate consideration for children from low-income families.

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

- 1.2 The basic provisions are:
- a. Medway Council has a duty to assist in making suitable travel arrangements for "eligible" children in their area where necessary to enable them to attend school.
 - b. The duty applies to home to school travel arrangements at the start of the day, and school to home travel arrangements at the end of the day. It does not relate to travel between educational institutions during the school day, medical appointments, visits to other schools or other locations, collection from school due to illness, parental attendance at meetings, part-time timetables (or to meet examination timetables), extended school clubs or elective lessons.
 - c. Arrangements must be free of charge to parents/carers except where public transport passes are lost or damaged and there is a charge for a replacement.
 - d. Transport is normally to facilitate travel between the child's normal place of residence and school. Where children have more than one address, transport is normally between the school and the address where the child resides on most school nights.

- e. It is in the best interests of pupils that they are encouraged to develop independent travel skills. Pupils will therefore be encouraged to achieve this as soon as possible. This will be in consultation with parents/carers.

1.3 Medway Council are not able to take the following into account when considering transport entitlement: for eligible pupils with Special Educational Needs

- a. Parents' work or other commitments
- b. Attendance by siblings at other schools
- c. If a parent chooses to send their child to a school, or educational provision that is not the nearest appropriate school to the home address
- d. A work experience placement (other than as specified in Paragraph 6.3)
- e. An address other than the home address, or a regular (5 weekday evenings per week) childminder's address (as advised and authorised by parents)
- f. A journey from one educational establishment to another
- g. Ad hoc visits to other schools, colleges or other establishments
- h. Out of hours clubs (e.g. breakfast, after school activity, electives)
- i. Link courses/elective lessons/sessions/courses that take place outside normal school hours
- j. Any educational provision planned over weekends or bank holidays

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

2. Applications

Parents and carers may apply for Transport support arrangements when the child has a Final or Amended Final Statement of Special Educational Needs by completing an application form and returning it to your SEN Officer. The address is detailed on the application form.

3. Entitlements for pupils with Special Educational Needs

Medway Council will consider applications for transport support to school either when the child is in receipt of a Proposed Statement of Special Educational Needs or currently holds a final Statement of Special Educational Need. The Special Educational Needs Team deal with transport applications and entitlement decisions as part of the placement process.

A Statement of Special Educational Needs does not give an automatic entitlement to free transport.

Medway Council's SEN Transport support Policy relates to children who are:

- a. Resident within Medway
- b. Attending a school or other designated establishment
- c. Are of compulsory school age, or in pre-school or Post 16 school provision.

NB – Medway Council only accept responsibility for transport support to school between the child's main residence and school. Where children have more than one address, transport support will be based on the residence where the child habitually resides. Factors may be taken into consideration, and evidence requested, outlining where child benefit is paid, or where the child is registered with a GP.

In relation to the detail contained in this section, the above must apply.

3.1 Nursery Schools

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

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

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

3.3 Primary Schools (children in Key Stage 2, aged 8 years and over)

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

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

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

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

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

3.6 Post-16 Education – Young People with LDD attending general FE colleges or 6th form colleges

Consideration for transportation for this group of young people is provided through the School Organisation and Student Services Team. Transport will be considered to the nearest college or 6th form offering an appropriate full-time, non-advanced course. An appropriate course is one that enables the young person to meet his or her employment objectives. The following conditions also apply:

- a. the young person is under 19 years of age on 31st August prior to when they start their course;
- b. the distance between the young person's home and their college/school with a sixth form is more than 3 miles

3.7 Post-16 Education – Students With Special Educational Needs

Travel assistance will be provided to the nearest **school** with post 16 provision offering an appropriate course. An appropriate course is one that enables the young person to meet his or her employment objectives or is specifically designed to meet the student's special educational needs. The following conditions also apply:

- a. the young person continues to hold a Statement of Special Educational Needs maintained by the Local Authority
- b. the young person is under 19 years of age on 31st August prior to when they start their course
- c. the distance between the young person's home and the school with a sixth form is more than 3 miles

4. Supplementary Notes On Entitlement

4.1 Distances will be measured as follows:

- a. Minimum distances will be measured by the shortest available safe walking route following recognised public footpaths

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

- a. Community, foundation or voluntary schools
- b. Community or foundation special schools
- c. Non maintained or independent special schools
- d. Authority designated specialist provision attached to a maintained mainstream school or Academy i.e. units or hub provision
- e. Pupil referral units
- f. Maintained nursery schools
- g. Academies
- h. Free Schools

4.3 Qualifying schools must be educationally appropriate to the age, ability and aptitude of the child, and any special educational needs that the child may have, all as outlined in the SEN Code of Practice (2001).

- 4.4 When assessing the availability of places, the normal time of application will be used i.e. for those transferring to a secondary school this would be the closing date for applications. The following rules re expressions of preference apply:
- a. Where parents/carers express a preference for a school (other than on which their child may be eligible for transport support under section 3 of this policy) and a place is not offered at their preferred school, transport will only be offered (to another school) if the nearest appropriate school could not have offered a place before the school of parental preference was approached.
 - b. Where children qualify as above, travel assistance will only be available to the nearest school with an available place, not the next parental preference.
- 4.5 Where a child has been permanently excluded from school, they will have transport support to the nearest PRU, if travel distance criteria have been met. When a new school has been identified, the child's eligibility for transport support will be re-assessed (as outlined in part 3). Transport support will not be provided for part-time PRU placement (for example, if the child is participating in a fixed term programme at the unit).
- 4.6 To meet the means testing criteria, children must be entitled to free school meals or their parents/carers be in receipt of the maximum level of Working Tax Credit. In such cases, parents/carers must complete a "Home to School Transport – Exceptional Needs" form, providing evidence as required. Home to School transport that is provided based on exceptional need or means testing will be reviewed regularly. Parents are expected to provide updated benefits information when requested. Medway Council retains the right to withdraw transport support where requested evidence or updated information is not provided.
- 4.7 All transport support is allocated on an annual basis. The Transport Procurement Unit will review all entitlements, routes, escorts and providers annually.
- 4.8 Once eligibility has been confirmed on income grounds, children will be assumed to be eligible for the remainder of the academic year (September to July).
- 4.9 It remains parents/carers responsibility to inform the SEN Service if a child/student has a change of address at any point within the school year. The child's eligibility will be reassessed following a new measurement of the distance between their home and the school/college.

5. Transport Provision

- 5.1 In making judgements about what type of transport provision is made available to children, including the provision of an escort to accompany a child to school (to be read in conjunction with section 7.9), the Local Authority will consider:
- a. Age and maturity of the child;
 - b. Ability and aptitude of the child;
 - c. Any special educational needs the child may have
 - d. The type of vehicle the child is travelling on
 - e. The length of the journey
 - f. Nature of the possible routes from home to school, particularly in relation to safety;
 - g. Whether the child is physically able to walk the distance involved;

- h. Whether the child needs to be accompanied and whether it is possible for the child to be accompanied.

6. Exceptional Circumstances and Medical Conditions

6.1 Pupils with medical needs/life threatening conditions

Some children, young people and young adults will have significant medical needs which require special arrangements to be made in order that they can travel to and from their educational provision safely. In some cases this will be for a short time only. Medway Council will consider making arrangements when there is supporting medical evidence, which indicates that special arrangements need to be made.

6.2 Parent/Carers Medical Conditions

Discretionary Transport support may be provided in exceptional circumstances within the minimum walking distances where appropriate evidence is provided and this is recommended following an assessment of individual need. The following evidence will be required:

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

The final decision remains with Medway Council.

Transport support provided on medical grounds will be reviewed regularly. Temporary medical conditions will be reviewed every half term, dependent on medical advice. Longer-term medical conditions will be reviewed annually.

7. Specific Areas of Policy

- a. Transport support will be arranged so as to be as non-stressful as possible. In normal circumstances, the maximum journey time will be no more than 1 hour 15 minutes, complying with best practice guidelines. In some circumstances it may be necessary to increase this timeframe where special schools are concerned. Journeys to and from schools outside of Medway's borders, or those children placed some distance from their home, may also, by definition, exceed the standard maximum times.
- b. Transport will be usually be shared with other pupils.
- c. Discretionary single transport will only be considered in very exceptional circumstances and where there is clear evidence to support the need for single transport. Where single transport is provided, this will be for a limited period of time, and there is an expectation that a child will return to shared transport at the end of the given period.
- d. Support for transport can be via a bus pass or mileage. The expectation is that as children get older and grow in maturity that they use public transport where ever possible

7.2 Pick-up and Drop-off Points

Where appropriate, parents/carers will be expected to take their child to/from a pick up/drop off point. Such points will be within 1 mile of the child's home. [For post-16 students, the applicable distance will be 1.5 miles].

7.3 Change of Address

Where a pupil has transport entitlement and there is a change of address, it cannot be assumed that the transport entitlement will continue. Parents will have to re-apply for transport, which will be considered in line with the SEN Entitlement Policy.

7.4 Entitlement Errors

- a. Where travel assistance is found to have been granted in error, notice of one full term will be given to allow families time to make other arrangements
- b. Where entitlement has been denied in error, transport will be arranged as soon as possible and consideration will be given to reimbursing parents retrospectively, with a normal time limit of the start of the academic year in question

7.5 Change of School Day

The LA commissions transport and transport routes well in advance. We would expect that schools and Academies consult with / inform the local authority with sufficient notice so that changes to the transport arrangements can be made without incurring additional costs to the local authority as this would not represent a good use of public money.

It should be noted that examination timetables and elective lessons/sessions do not constitute a change in the school day.

7.6 Children in residential educational provision

Where children are placed in a 52 week residential school, transport support is not provided. In these circumstances, Medway Council will provide one return journey at the start and end of the entire placement timeframe. 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.

- a. Transport support will be provided on the first and last day of the entire placement, providing the child remains eligible as defined in Section 3.
- b. Transport support will not be provided for any other visits to the school, or if parents choose to take their child home for any reason. Transport will be a parent/carer responsibility in these circumstances, as outlined in section 2.3.

Where children are placed in a residential school, other than those listed above, transport support 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 their child home for any reason.

- a. Transport support will be provided on the first and last day of the weekly, fortnight or termly placement, providing the child remains eligible as defined in Section 3.

- b. Transport support will not be provided for any other visits to the school, or if parents choose to take their child home for any reason. Transport will be a parent/carer responsibility in these circumstances, as outlined in section 2.3.

7.7 Provision of Escorts

An escort is not routinely provided. Where large numbers of children are travelling together, or where a child is under 5 years of age, or if a child has significant health or behavioural requirements, an escort may be provided for the route **or** the individual child. Escorts will only be provided in exceptional circumstances. These include:

- a. Where a number of children are travelling together, the Transport Co-ordination centre may provide an escort for the route. This route demonstrates a child may be at risk, or may pose a risk to others on the same route, if they travel without supervision. Any request for an individual escort must be supported by detailed evidence that demonstrates the risk to the individual/others. The evidence provided must include an up to date risk assessment and evidence of other strategies that have been previously applied.
- 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. The evidence provided must include an up to date risk assessment.

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

7.9 Escorts' duties are 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. It is the parents'/carers' responsibility to supervise the child from the house to the vehicle and the duty of the schools' staff to get the child from the vehicle into the school building and the reverse.

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

7.11 Guidelines are issued for operators, drivers and escorts. Training will be secured by Medway Council. All escorts will be required to undergo training and will carry an identity card which will be renewed every three years following a new Criminal Record Bureau (CRB) check.

7.12 If a pupil has a life-threatening condition, the parent will be encouraged to escort the child him/herself where this is appropriate. Otherwise special arrangements will be made. (See Paragraph 6)

Where consideration is made for an escort, only Special Educational Needs officers can give authorisation for an escort to be provided following consultation with the SEN Manager/Deputy Manager.

7.13 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

transportation, the TPU will always try to notify parents at the earliest point to avoid unnecessary disruption.

If transport is cancelled, the TPU will try to advise, as best they can, when transport services are likely to resume. During these periods, the TPU will aim to keep affected parents/carers informed as much as possible.

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 subsequent costs should a return journey not be possible
- b) If a child is unable to attend school due to severe weather, the parent/carer remains responsible for their child
- c) Where a child is placed in residential provision and is unable to be transported home, the school, parent/carer, TPU and the SEN case officer, must ensure suitable arrangements are made for the child. This may include an extended stay in school, or overnight accommodation with an appropriate adult. However, it should be noted that if a child attends a residential school and is unable to get to school due to severe weather, (a) and (b) apply.
- d) It should be noted that the TPU and the SEN Teams are only available during main office hours.

Where transport has been cancelled due to adverse weather, it should be noted that the SEN case officer will be unable to provide any alternative arrangements as all transport for Medway Council is commissioned through the TPU who will co-ordinate any such situation

8. Supplementary Notes on Entitlement

- 8:1 The shortest walking route will be determined using the Council's geographical mapping system.
- 8:2 Transport will be arranged by the most economical means available consistent with safety and the needs of the child. This means that pupils will normally travel using public transport, or together in larger vehicles and the assumption will be made that no special equipment will be necessary and that no special equipment will be carried. In time we expect far greater use of personal budgets.
- 8.3 The Council provides transport for pupils attending work experience if they rely on a wheelchair for mobility or are registered blind. Other pupils are expected to make their own way to and from their work experience placement as part of their experience.
- 8.4 In line with contract law and the Authority's obligations to comply with best practice as well as relevant legislation, the Council will re-tender contracts periodically. Contractors and their staff will therefore change from time to time.

9. Payments to parents

- 9:1 Some parents/carers may express a preference to provide transport themselves. If the child is entitled to transport assistance under this policy, it may be possible for the Council to contribute to the cost of parents/carers' mileage for the round trip from home to school using the shortest distance as measured using the Council's

geographically mapping system. Over time, with the focus on personalisation, it is anticipated that this will become more common than the current position. The local authority will always consider best value and best interests of the child or young person in deciding this.

- 9:2 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.
- 9:3 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 encouraged to take the child to school themselves and will be offered a travel allowance.
- 9:4 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
- 9:5 Claims for an agreed travel allowance must be presented monthly and received by the Council's Transport Procurement Unit no later than the 14th of each month to enable payment of travel allowance for the preceeding month. No other time schedule is acceptable. 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.
- 9.6 Claims should be for the actual mileage incurred. Where claims are discovered to be for amounts greater than is justified, the Authority will seek repayment and will refer cases of fraud to the police for investigation.
- 9.7 Claims must be in the format prescribed on the template invoice. All claims must be presented on the appropriate pro-forma

10. Time keeping

- 10.1 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 pupils ready at appropriate times and be there to collect them when they are expected home.
- 10.2 In exceptional circumstances, a driver will wait for no more than three minutes beyond the scheduled pick-up time at a pick-up point in the morning.
- 10.3 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 parents/carers without the parents'/carers' written authorisation.
- 10.4 If the parent /care is still not there to meet the child and where there is no suitable alternative, Medway Council's Children's Safeguarding Team (Customer First) will be contacted who will provide advice from then on.

11. Transportation of Equipment

Day pupils are expected to travel with no more than one item of hand luggage and pupils attending residential schools where transport has been allocated, are expected to travel with no more than one suitcase (or equivalent). Some pupils will have extra items (eg to meet their medical or physical needs) and these will be transported but prior arrangement is necessary.

12. Review of transport provision

- 12:1 Provision of transport will be reviewed on a regular basis, usually as part of the Annual Review process for pupils with Statements of Special Educational Needs.
- 12:2 Where transport is provided in line with Paragraph 2:1 of the Policy and the pupil is deemed to have made progress where public transport can now be used, a travel pass will be offered if this is the most cost effective method to provide transport assistance.

13. Safety

- 13.1 The safety of children on Transport support 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 Criminal Records Bureau
 - b. All drivers and escorts carry identity cards
 - c. Seat belts are provided on all contract vehicles
 - d. Car seats/booster seats are provided in accordance with current Government legislation
 - e. Escorts receive appropriate training and are familiar with safety and emergency equipment

Drivers, escorts and operators are aware of their duties, particularly in emergency situations

14. Appeals Procedure

- 14.1 This is yet to be determined but it will be in line with existing transport appeals for the non-SEN cases.