

# **Policy for Travel Assistance for Children Attending School**

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Version 1.0

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## **1. POLICY STATEMENT**

- 1.1** This policy outlines the assistance that the council will provide for eligible children with complex special educational needs and disability (SEND) to access school.
- 1.2** The policy explains the background relating to the provision of travel assistance by the Council for children living within the boundaries of the London Borough of Bexley or in the care of the Council and describes how the policy applies to:
- Children aged 5-16 with an Education, Health and Care Plan
  - Children aged 5-16 without an Education, Health and Care Plan
- 1.3** The policy is intended to provide clarity for parents/carers and to ensure that children with particular and significant needs are appropriately supported.

Wherever possible, in the provision of travel assistance, the Council will consider travel options that lead to independence and life skills.

- 1.4** This policy considers travel assistance for eligible children with SEN and disabilities and has been written with reference to the Education Act 1996 ('the Act'), the SEN and Disabilities 0-25 Code of Practice (2001), the Children and Families Act 2014, the Children Act 2004 and the Disability Discrimination Act 2005 and the Equality Act 2010. This policy contributes to the Sustainable Modes of Travel to School Strategy as required under the Education and Inspections Act 2006, The Education and Skills Act 2008.
- 1.5** The Council's has a separate policy for the provision of travel assistance for post 16 pupils which is available on the Council's website and the Bexley Local Offer.

*Definitions and additional information about the terms used in this policy are provided at Appendix A*

## **2. INTRODUCTION**

**2.1** In general terms, it is the Parents/carers responsibility to ensure their child attends school regularly under section 444 of the Education Act 1996 (as amended). This includes arranging any necessary travel to and from school and/or accompanying their child.

**2.2** Under Part IX of the Education Act 1996 (as amended by the Education and Inspections Act 2006) and summarised in the Department for Children aged 5-16. Education Guidance: local authorities have the duty "to make arrangements for all children who cannot reasonably be expected to travel to school because of their mobility problems or because of associated Health and Safety issues related to their special educational needs or disability (SEND).

**2.3** This Council's duty in relation to travel assistance applies to children of compulsory school age (5-16). In most cases Parents/carers of children under the age of 5 are expected to take their own child to pre-school provision. However the Council has a discretionary power to provide travel assistance for children aged between 2 and 5 years old who have been placed in a particular educational setting for complex needs, in order to meet the child's identified outcomes (please see section 9 for an explanation of what the council may consider during the assessment process)

**2.4** 32% of children with SEN or disabilities were able to access school without additional assistance from the Council in 2018/19. Where assistance is given it should be part of ongoing support that encourages children to become more independent and resilient in their future lives.

2.5 In support of this policy, the Council works with schools to provide safe travel routes to and from school, to encourage sustainable methods of transport, including walking and cycling, and to encourage all forms of independent travel by children wherever possible and practicable.

This policy forms part of the London Borough of Bexley's Local Offer for children aged 0-25 with Special Educational Needs and/or Disability. Further information on the Bexley Local Offer can be found at: [www.bexleylocaloffer.uk](http://www.bexleylocaloffer.uk)

### **3. TRAVEL ASSISTANCE FOR CHILDREN AGED 5-16 LIVING OUTSIDE THE STATUTORY WALKING DISTANCE**

Travel assistance will be provided under this policy for:

3.1 School age children (5-16) who are registered pupils at their nearest suitable School. This means they attend their nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any SEN that the child may have.

3.2 Primary school aged children (5-11) who are registered pupils at a "qualifying school" where the school is more than 2 miles from their home address (up to 8 years of age) or more than 3 miles (aged 8 and over), and where no suitable arrangements have been made by the local authority for enabling the child to attend a school nearer to his/her home.

3.3 Secondary school aged children (compulsory school age), who are registered pupils at a "qualifying school" where the school is more than 3 miles from their home address, and where no suitable arrangements have been made by the local authority for enabling the child to attend a school nearer to his/her home.

3.4 Where children are identified as having mobility problems, or because of associated health and safety issues (related to their SEN or disability) then statutory walking distances will not be considered when assessing if travel assistance is necessary to facilitate attendance at School (see section 5 Travel Assistance for Children aged 5-16 with SEN, EHCP or Mobility Difficulties).

3.5 A "qualifying school" is a:

- Community, foundation or voluntary school
- Community, foundation special school
- Non-maintained special schools
- Pupil referral units
- Maintained nursery schools
- City Technology Colleges (CTC), City Colleges for the technology of the arts (CCTA) or academies, including free schools and University Technical Colleges (UTC)

For children with SEN, an independent school can also be a qualifying school where this is named on the Child's Education, Health and Care Plan (EHC Plan) or statement, or it is the nearest of two or more Schools named.

3.6 Walking distance is measured using the Council's GIS mapping systems, which calculates the nearest available walking route to school from the home address.

**The local authority expects parents/carers who choose a school, which is not the nearest school that the Council has identified (and considered as being suitable to meet the child's educational needs), to take full responsibility for their travel needs for their child to and from school.**

#### **4. TRAVEL ASSISTANCE FOR CHILDREN AGED 5-16 WITHIN STATUTORY WALKING DISTANCE BASED ON THE NATURE OF THE ROUTE**

4.1 It is the responsibility of parents/carers to accompany their child to school, unless there is good reason why they are unable to do so. If their child cannot walk in safety (accompanied), or the child's SEN/mobility needs restrict them making the journey from home to School then the nature of route will be assessed accordingly and where it is identified the expected route is unavailable/unreasonable then travel assistance will be provided.

4.2 In assessing the nature of the route, the local authority will consider factors such as the age of the child, the route in question, visibility, crossing points and all other factors that impact on the route. For Children who travel to school independently, the local authority will consider whether any potential risks would be mitigated if the child is accompanied by an adult.

#### **5. TRAVEL ASSISTANCE FOR CHILDREN AGED 5-16 WITH A STATEMENT OF SPECIAL EDUCATIONAL NEEDS (SEN), AN EDUCATION, HEALTH AND CARE (EHC) PLAN, DISABILITY OR MOBILITY DIFFICULTIES**

5.1 Currently 32% of children with an EHC Plan do not need or receive travel assistance from the Council, and the completion of an EHC Plan does not confer an automatic entitlement to the provision of travel assistance by the Council. Each child is assessed on a case by case basis, reviewing their individual needs and circumstances.

5.2 In considering whether a child cannot reasonably be expected to walk to school, the Council will consider whether the child could reasonably be expected to walk if accompanied and, if so, whether the child's parent can reasonably be expected to accompany the child.

5.3 There is an expectation that a child will be accompanied by a parent (or responsible adult) where necessary, unless there is good reason why it is not reasonable to expect the parent (or another responsible adult) to do so. Reasons why a child cannot be accompanied will be considered on a case by case basis with an award of travel assistance being dependent on the needs and circumstances presented.

5.4 The Council reserves the right to make an assessment to determine eligibility for travel assistance under this policy.

#### **6. EXTENDED RIGHTS ELIGIBILITY**

6.1 The Council will provide free Home to School transport where children are entitled to receive free school meals or where their parents are in receipt of maximum Working Tax Credit:

- Income Support/Income based Job Seekers Allowance/ Income based Employment and Support Allowance
- Support from NASS (National Asylum Support Service) under part 6 of the Immigration and Asylum Act 1999
- Pension Credit Guarantee Credit
- Child Tax Credit - if your income is below £16,190
- Working Tax Credit run-on (paid for 4 weeks after you stop qualifying for Working Tax Credit)
- Universal Credit

If identified as being under extended rights the child must meet the following criteria based on distance and journey time from the child's home:

6.1.2 For children of compulsory school age between the age of 8 and 11, they must attend their nearest suitable school and live further than 2 miles away.

6.1.3 For children of compulsory school age over the age of 11 and under 16, they must attend one of their nearest three relevant educational establishments where those schools/establishments are between 2 miles (measured using the shortest walking route) and 6 miles (measured using the shortest driving route) from the family home;

6.1.4 For children of compulsory school age over the age of 11 and under 16, meeting the Extended Rights threshold, they Travel Assistance will be provided if they attend their nearest school / establishment preferred by reason of a parent's religion or belief up to a maximum of 15 miles from the child's home.

## **7. OTHER FACTORS TAKEN INTO CONSIDERATION**

7.1 The council will consider the wish of the parent/carer for their child to be educated or trained at an establishment in which the religious education provided is that of the religion or denomination to which the parent/carer adheres.

7.2 Any disability or health needs of the parent/carer or the child will also be taken into consideration. The local authority is under a duty to make reasonable adjustments if the usual application of this transport policy places a disabled person at a substantial disadvantage in comparison with persons who are not disabled. For example, a disabled parent/carer may not be able to accompany their child to school, and adjustments may need to be made so that the child is eligible for assistance. A disabled child may need reasonable adjustments to be made to the kind of transport that is provided. In such cases, a parent/carer/child will be required to provide medical or other supporting evidence with their application.

7.3 Where an assessment identifies that a child does not meet the eligibility criteria then the Council retains the right to consider other (exceptional) circumstances that may warrant a discretionary award of travel assistance (See section 9 Discretionary Award of Travel Assistance)

## **8. FACTORS NOT TAKEN INTO CONSIDERATION**

8.1 Travel assistance will not normally be provided to facilitate attendance at non-statutory school activities that do not form part of the national curriculum, such as breakfast or after school clubs; or for any type of appointments including medical or any other specialists; or if the child has to be collected from school because of illness; or due to exclusion or for any other reason.

*The Council's policy on the provision of travel assistance for additional journeys is described in more detail at appendix B.*

## **9. DISCRETIONARY AWARD OF TRAVEL ASSISTANCE**

9.1 If the child is not eligible for travel assistance under the eligibility criteria, but parents/carers feel there are circumstances that warrant support from the Council then this can be requested, the Council will then consider a discretionary award with each case assessed on its own merit based on the evidence provided.

9.2 Reasons for a discretionary award may include, but are not limited to: Health needs/disability/circumstances affecting the child's sibling(s) or other close family members who are dependent upon the child's parents/carers; or other factors that are likely to significantly impact on the parents/carers ability to meet their responsibilities in connection with transporting their child to an education provider. Bexley Council will require appropriate verification of any information which is materially relevant to its decision.

9.3 If travel assistance is agreed based on exceptional need, the decision will be reviewed termly or at other intervals as specified by Bexley Council. Parents/carers will be expected to provide updated information if requested, and if this is not provided, Bexley Council reserves the right to withdraw the travel assistance.

## **10. WHAT TRAVEL ASSISTANCE MAY BE OFFERED**

10.1 Once a child's eligibility for travel assistance has been agreed, the Council will decide what assistance will be provided. This decision will be based on the identified needs of the individual child and will take account of the Council's duties to make the best use of its resources. It should be noted that the mode of travel assistance offered will be reviewed at least annually and may change as the needs of the child change as well as in the interests of ensuring the best use of the Council's resources.

10.2 All children up to the age of 16 (up to 18 if in full time education) are entitled to free travel on buses and trams within London with a valid travel card. The Council regards this provision as sufficient to meet the travel needs of the majority of children under the age of 19.

A travel card can be obtained by either:

- Downloading an application form from the Transport for London website; or
- Calling into any ticket retailer for an application form.

There may be a small number of children who are eligible for travel assistance where it is necessary to travel to and from school using train services because there are no suitable bus/tram services. In these cases a travel card may be provided.

10.3 For children attending school on a daily basis, travel assistance will only be provided for the beginning and end of the school day.

10.4 A child boarding on a weekly basis where the school is closed at weekends will be provided with travel assistance at the beginning and end of the school week, other periods of closure and during term time only. A child boarding on a termly placement where the school is not closed at weekends will be provided with travel assistance limited to the start and end of the school term, half terms and for periods of whole school closure only. Any other journeys required will be the responsibility of parents/carers including attendance at annual reviews, additional home visits at weekends or any other time.

10.5 The Council's policy on the provision of travel assistance for additional journeys in various circumstances is explained at Appendix B.

10.6 The Council will always consider forms of travel assistance that help to develop travel independence skills to enable children to lead independent lives as they grow older.

## **11. PROVISION OF PASSENGER ASSISTANTS**

11.1 In some circumstances a Passenger Assistant may be provided to accompany children to school on transport provided by the Council. Passenger Assistants will only be provided where they are necessary for the safe operation of vehicles and/or the specific care needs of passengers. A Passenger Assistant will not be provided simply because of the child's age or because he/she does not know the driver.

## **12. APPLICATION AND ASSESSMENT PROCESS (ALL APPLICANTS)**

Applications for travel assistance must be made annually and full consideration will be given to the specific needs of the child. Where it is decided travel assistance is appropriate this will generally be implemented within 30 working days from the date of the application or, where appropriate, by the

following school term. All travel assistance arrangements are regularly reviewed.

The application process is dealt with in three stages.

### **12.1 Stage 1: Application**

For all applicants (with or without a Statement of SEN or EHC Plan), the parent/carer must complete an application form online on the Bexley website before any assistance can be considered. Supplementary evidence of the need for travel assistance should be provided by parents/carers at this stage.

### **12.2 Stage 2: Assessment**

This stage will include the evaluation of written evidence and family circumstances presented by the applicant on submission of their application form. It is possible at this stage that the application may be declined, and parents/carers may appeal against such a decision if they wish.

### **12.3 Stage 3: Implementation**

Where the Council agrees to provide travel assistance it will also decide what type of travel assistance would be suitable and appropriate to meet the needs of the child. The parent/carer will be requested to sign the Council's code of conduct agreement before the travel assistance is provided. If a parent/carer does not accept the code of conduct, their application will be withdrawn and they will need to take responsibility for their child's attendance at school.

In some cases travel assistance will be awarded on a discretionary basis and only granted for a limited period, parents/carers will be required to submit a new application, or to provide further information, in order to secure continued assistance.

The parent/carer will be informed in writing of the outcome of the application usually within 30 working days of receipt of the application or later if additional information is required.

## **13. Travel Assistance Reviews**

It should be noted that once a child is eligible for transport assistance, this is no guarantee that they will continue to be eligible in the future. The Council reserves the right to review transport requirements outside of the agreed application cycle in order to safeguard its duty to ensure the efficient use of resources. All travel assistance arrangements (provision) will be reviewed annually to ensure it continues to meet the identified needs of each child. Where travel assistance has been granted on time limited basis, parent/carers will be expected to provide updated information before the end of the agreed assistance period to enable a timely review to take place, a deadline for confirming when updated information must be supplied before will be confirmed by the Council to the parent/carer.

The Council may also review eligibility for travel assistance by means of a scheduled meeting or via telephone contact. If parents/carers do not actively participate and support these reviews it may result in travel assistance, where decisions will be based on the information available to reviewing officers. Parents/carers will be informed of all decisions in writing, including notification of the right and how to appeal.

13.1 Travel assistance will also be reviewed when there is a significant change in circumstances, such as a change in home address, school or a change in the child's needs. It is the responsibility of the parent/carer to notify the Council immediately of any changes that may affect the provision of travel assistance.

13.2 Any changes will be implemented from the beginning of the next half school term/ school term, or sooner where possible.

## **14. Cessation of Support**

The Council will review and remove travel assistance where it is proven that assistance was obtained via a fraudulent application, or where the child's individual circumstances have changed and either the child is no longer eligible for support, or the child has been assessed as not requiring such support. Assistance may also cease on the request of the parent/carer who may have made alternative arrangements for their child's travel to school.

**In the event of travel assistance being agreed in error the Council reserves the right to cease transport with immediate effect.**

## **15. Appeals**

If an application for travel assistance is not approved by the Council, or the parent/carer disagrees with the type of assistance being offered, parent/carers have a right of appeal, an appeal form can be accessed from the Bexley Local offer [www.bexleylocaloffer.uk](http://www.bexleylocaloffer.uk) or by emailing [Transport.Appeals@bexley.gov.uk](mailto:Transport.Appeals@bexley.gov.uk) to request a form. Appeals forms must be completed and returned within 20 working days of the date on the decision letter/email received by the parents/carers.

Appeals are administered in two stages:

### **15.1 Stage 1: Review by Head of SEN**

Within five working days of the appeal form being received, the parent/carer will be sent confirmation that their appeal has been received and that their appeal is under review.

Further evidence may be requested to support the appeal and consultation with case workers and professional bodies may be required. Stage 1 appeals are decided by the Head of SEN. Parents/carers should receive their decision letter within 20 working days of their appeal form being received.

### **15.2 Stage 2: Independent Appeal Panel - Independent Review of Evidence**

If the parent/carer remains dissatisfied with the outcome, they should notify the Council in writing within 20 working days of receiving their Stage 1 appeal decision.

The parent will be able to provide further evidence for consideration, whilst having the opportunity to present this information to the Independent Appeal Panel.

The appeal will then be considered independently of the SEN service and will involve consideration of all evidence gathered and the reasons for the decision being made. This will be undertaken by the "Independent Panel" constituted by a mix of panel members independent of the process to date and suitably experienced; this may include participation by psychologists and/or head teachers from primary and secondary schools.

Parents/carers should receive their decision letter within 40 working days of their appeal being received.

This decision is the final stage of the Council's appeal procedure in relation to travel assistance. If parents/carers remain dissatisfied with the process, they can complain to the Local Government Ombudsman. Details can be provided by the Council if necessary.

During the appeals process no travel assistance will be provided or, in the case of existing arrangements, no changes will be implemented.

If after the appeal, transport is agreed, it will commence as soon as travel arrangements can be established, within a reasonable timeframe.

## **16. Complaints**

### **16.1 Bexley Councils Complaints Procedure**

The Council's travel assistance appeals procedure in respect of eligible children will ensure that the merits of every application have been fully and properly considered, taking account of the relevant circumstances. However, if parents/carers remain dissatisfied and believe that the procedure has not been followed properly, they may complain under the council's complaints procedure, full details are available on the [Council's website www.bexley.gov.uk](http://www.bexley.gov.uk)

Complaints can be made in a number of ways:

- by email to: [complaints@bexley.gov.uk](mailto:complaints@bexley.gov.uk)
- by letter to: The Complaints Team, London Borough of Bexley, 2 Watling Street, Bexleyheath, Kent, DA6 7AT
- telephone 020 8303 7777
- in person at the Civic Offices

### **16.2 Local Government Ombudsman**

If parents/carers are dissatisfied with the outcome of their complaint once it has completed Bexley's Complaints Procedure, parents/carers can ask the [Local Government Ombudsman](#) to consider their complaint.

The Ombudsman is an independent body that exists to review complaints made to local authorities where the matter has not been resolved to the complainant's satisfaction. The Ombudsman provides a free service.

Parents/carers can approach the Ombudsman at any time during the complaints process for advice and assistance. However, the Ombudsman will not normally look into a complaint if the Council has not had an opportunity to resolve it through the complaints procedure.

For further information and contact details please visit the Local Government Ombudsman:  
<http://www.lgo.org.uk/>

## **17. Contact and further information**

### **17.1 Bexley's Local Offer**

For further information on Bexley's travel assistance offer as well as general information and services that support children and young people with special educational needs and disability aged 0-25 years old, please visit [www.bexleylocaloffer.uk](http://www.bexleylocaloffer.uk)

### **17.2 Travel Assistance Commissioning Team (TACT)**

For further information about the travel assistance application, assessment and appeals process, email TACT: [tact@bexley.gov.uk](mailto:tact@bexley.gov.uk) or write to TACT: Civic Offices, 2 Watling Street, Bexleyheath DA6 7AT or call 020 8303 7777 and ask for TACT.

### **17.3 Bexley Integrated Transport Service (BITU)**

Once travel assistance has been agreed any concerns regarding the provision of the service should be made to BITU email: [bitu@bexley.gov.uk](mailto:bitu@bexley.gov.uk) or write to BITU: Civic Offices, 2 Watling Street, Bexleyheath DA6 7AT or call 020 8303 7777 and ask for BITU.

## 18. APPENDIX

### 18.1 Appendix A: Additional Information

**Change of School Day:** Provided that governing bodies of Local Authority maintained schools have followed the procedures for change laid down in the Education (No 2) Act 1988 (Section 21) (and that governing bodies of other schools have taken full account of those procedures, as advised by the then Secretary of State), the London Borough of Bexley will seek to rearrange transport accordingly. However, if additional costs are involved, the Council reserves the right to make arrangements for all or part of those costs to be charged to the school concerned. **It should be noted that examination timetables do not constitute a change in the school day; any such changes to the timetable which will incur additional cost may require the parent/carer or schools to make alternative arrangements. Each change will be considered on a case by case basis taking in to account the child's needs and likely impact.**

**Home Address:** the address where the child normally resides. Where a child spends time with both parents/carers in separate homes and both have parental responsibility, the Council will need to establish where the majority of school nights (Sunday to Thursday) are spent and treat that as the home address. **Under normal circumstances Travel assistance will not be provided to alternative addresses e.g. grandparents, child-minders.** Any change in transport remains the decision of the Council and will be considered on a case by case basis.

**Low Income Families:** Children whose parents/carers are in receipt of the maximum level of working tax credit or children who are entitled to free school meals.

**Statutory/Compulsory School Age:** Children aged from five years of age up to the last day of year 11 when they reach 16 years of age;

## 18.2 Appendix B: Additional Journeys

1. **Introduction.** This Appendix explains the Council's policy for the provision of Travel Assistance for journeys additional to the normal provision at the beginning and end of the normal school working day.
2. **School Trips.** The council does not provide travel assistance for school trips. Where adjustments in timings on the usual route to school would result in additional transport costs to the Council, schools will need to take this into account in the planning of school trips, and such costs must be reimbursed to the Council as part of the school's costing arrangements for the whole trip.
3. **Examinations.** It is expected that changes in timings for examinations will take into consideration the current travel assistance arrangements for the children attending the school. Schools may be required to retain pupils for reasonable periods at school before and after examinations to enable this. Only where no additional costs will be incurred to the council will changes to the timetable be considered. In all cases the council requires a minimum of 30 working days to consider and implement any such changes.
4. **Work Experience.** Travel assistance will not be provided to enable children to undertake work experience.
5. **Induction Days/ 'Taster Days'.** Travel assistance may be made available for children eligible to receive travel assistance attending Induction Days or 'Taster Days' to a qualifying schools where such a school has been named by the Council in the child's EHC plan and there is no other school closer to the child's home that can meet the child's needs. It is expected that changes in timings will take into consideration the current travel assistance arrangements for children attending the school. Schools may be required to retain pupils for reasonable periods to enable this. In all cases the council requires a minimum of 30 working days to consider and implement any such changes.
6. **Breakfast Clubs/After School Clubs.** Travel assistance will not be provided or adjusted to enable pupils to attend breakfast clubs/ after school clubs.
7. **Illness at School.** It will be the responsibility of the parent/carer to pick up their child if they are taken ill at school. Travel assistance will not be provided to enable them to return home. If the parent/carer cannot collect their child, the Council will expect the school to contact the next available emergency contact who will then be asked to pick up the child.
8. **Medical/Dental Appointments.** Travel assistance will not normally be provided or adjusted to enable children to attend medical or dental appointments. This is a parental responsibility. Where a child has complex medical needs and requires specialist medical support the Council may be considered providing assistance under its discretionary powers.
9. **Detentions.** Travel assistance will not be provided to take pupils home after detentions. This is a parental responsibility.
10. **Short Breaks / Respite.** Such arrangements are facilitated by Bexley Council Children's Services and in most cases it is the responsibility of the parents/carers to organise travel. Where it has been agreed that assistance should be provided by the council, the council will facilitate such agreement and travel assistance will be provided which meets the needs of the child and ensures the best use of the Council's resources. Travel assistance may also be provided for Looked After Children from/to a temporary alternative home address to facilitate respite breaks for carers.

11. **College Attendance Whilst Registered at School.** Travel assistance for journeys during the school day to attend college placements are the responsibility of the school at which children are registered (for children with an EHC plans this will be the school named on the plan).